THE DEFILEMENT OF THE LAND IN THE HEBREW BIBLE: EXPLORING THE SOCIAL USES OF DISGUST, LAW, AND RITUAL

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Abstract

The Hebrew Bible repeatedly describes Israel's potential to defile their land through various forms of behavior deemed unacceptable by certain biblical authors. Former studies of ancient Israelite impurity beliefs often systematize impurities related to the sanctuary (cf. Lev 11-15; Num 19) but overlook or minimize land defilement. Recent studies that do address land defilement fail to analyze the complete corpus of relevant texts. No consensus exists concerning land defilement's function in ancient Israelite applications of law and ritual. Scholars also consistently overlook how land defilement texts show a remarkable overlap and interpenetration of law and ritual.

Recent research into the emotion of disgust supports the analysis of land defilement undertaken here. The biblical writers frequently invoke ideas of moral/social revulsion when discussing land-defiling offenses. These emotional responses to potential pollutants serve the aims of biblical writers who endeavor to shape the cultural norms and values of their audience. Land defilement texts cultivate a fear of polluting Israel's territory, a powerful motivator for the biblical audience to conform their beliefs and behaviors to the desires of the biblical authors. By associating such emotions with the land of Israel, these writers likewise transformed misdeeds with local impacts into nationwide concerns.

This dissertation approaches the land of Canaan's potential to be polluted in the Hebrew Bible by surveying and analyzing every text in which the subject appears. One of the key goals of this work is to determine what types of offenses had the potential to defile the land. Former scholars have identified some such offenses (such as murder, adultery, and idolatry), but have ignored or overlooked others (such as prolonged corpse exposure). Land defilement texts display a surprising degree of coherence across various biblical sources. Biblical authors frequently

allude to earlier texts but develop and modify concepts of land defilement to impact new social settings.

This examination of the shared features of land-defilement texts reveals a set of shared cultural beliefs in ancient Israel. The threat of land defilement served the purposes of the biblical authors as they attempted to shape cultural norms and the range of behaviors acceptable to their audience.

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Table of Contents

Abbreviations

AB	Anchor Bible
AfO	*Archiv für Orientforschung*
AJSL	*American Journal of Semitic Languages and Literatures*
AnBib	Analecta Biblica
AOAT	Alter Orient und Altes Testament
ApOTC	Apollos Old Testament Commentary
ATANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
ATD	Das Alte Testament Deutsch
ATR	*Australasian Theological Review*
BASOR	*Bulletin of the American Schools of Oriental Research*
BBRSup	Bulletin for Biblical Research, Supplements
BETL	Bibliotheca Ephemeridum Theologicarum Lovaniensium
BHQ	*Biblia Hebraica Quinta*. Edited by Adrian Schenker et al. Stuttgart: Deutsche Bibelgesellschaft, 2004–.
Bib	*Biblica*
BibInt	*Biblical Interpretation*
BKAT	Biblischer Kommentar, Altes Testament
BN	*Biblische Notizen*
BSac	*Bibliotheca Sacra*
BTB	*Biblical Theology Bulletin*
BTS	Biblical Tools and Studies
BZAR	Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
c.	century
CBC	Cambridge Bible Commentary
CBQ	*Catholic Biblical Quarterly*
CH	Code of Hammurabi
ConBNT	Coniectanea Neotestamentica or Coniectanea Biblica: New Testament Series
COS	*The Context of Scripture.* 4 Volumes. Edited by W. W. Hallo and K. Lawson Younger. Leiden: Brill, 1997-2016.
CUSAS	Cornell University Studies in Assyriology and Sumerology
DMOA	Documenta et Monumenta Orientis Antiqui
EANEC	Explorations in Ancient Near Eastern Civilizations
EJ	*Encyclopedia Judaica.* 12 Volumes. Edited by Cecil Roth. New York: MacMillan, 1972.
EJL	Early Judaism and Its Literature
ETR	*Etudes théologiques et religieuses*
FAT	Forschungen zum Alten Testament
FIOTL	Formation and Interpretation of Old Testament Literature
FOTL	Forms of Old Testament Literature
GAG	Von Soden, Wolfram. *Grundriss der akkadischen Grammatik: 3 ergänzte Auflage.* Rome: Pontifical Biblical Institute, 1995.

GKC	Kautzsch, E, ed. *Gesenius' Hebrew Grammar.* Translated by A. E. Cowley. Oxford: Clarendon, 1898.
GTA	Göttinger theologischer Arbeiten
HALOT	The Hebrew and Aramaic Lexicon of the Old Testament. Ludwig Koehler, Walter Baumgartner, and Johann J. Stamm. Translated and edited under the supervision of Mervyn E. J. Richardson. 4 vols. Leiden: Brill, 1994–1999.
HAR	*Hebrew Annual Review*
HAT	Handbuch zum Alten Testament
HBM	Hebrew Bible Monographs
HCOT	Historical Commentary on the Old Testament
HdO	Handbuch der Orientalistik
HeBAI	*Hebrew Bible and Ancient Israel*
HSM	Harvard Semitic Monographs
HTR	*Harvard Theological Review*
HUCA	*Hebrew Union College Annual*
IBHS	Waltke, Bruce K. and Michael O'Connor. *An Introduction to Biblical Hebrew Syntax.* Winona Lake: Eisenbrauns, 1990.
ICC	International Critical Commentary
IEJ	*Israel Exploration Journal*
ITC	International Theological Commentary
JAJSup	Journal of Ancient Judaism, Supplements
JANER	*Journal of Ancient Near Eastern Religions*
JANES	*Journal of the Ancient Near Eastern Society*
JAOS	*Journal of the American Oriental Society*
JARCE	*Journal of the American Research Center in Egypt*
JBL	*Journal of Biblical Literature*
JBQ	*Jewish Bible Quarterly*
JCS	*Journal of Cuneiform Studies*
JEA	*Journal of Egyptian Archaeology*
JETS	*Journal of the Evangelical Theological Society*
JJS	*Journal of Jewish Studies*
JNES	*Journal of Near Eastern Studies*
Joüon	Joüon, Paul. *A Grammar of Biblical Hebrew.* Third Reprint of the Second Edition, with Corrections. Translated by Takamitsu Muraoka. Subsidia Biblica 27. Rome: Gregorian and Biblical, 2011.
JPA	Jewish Palestinian Aramaic
JQR	*Jewish Quarterly Review*
JSIJ	*Jewish Studies, an Internet Journal*
JSJ	*Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods*
JSNT	*Journal for the Study of the New Testament*
JSOT	*Journal for the Study of the Old Testament*
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JSS	*Journal of Semitic Studies*
JTS	*Journal of Theological Studies*

KTU	*Die keilalphabetischen Texte aus Ugarit*. Edited by Manfried Dietrich, Oswald Loretz, and Joaquín Sanmartín. Münster: Ugarit-Verlag, 2013. 3rd enl. ed. of *KTU: The Cuneiform Alphabetic Texts from Ugarit, Ras Ibn Hani, and Other Places*. Edited by Manfried Dietrich, Oswald Loretz, and Joaquín Sanmartín. Münster: Ugarit-Verlag, 1995.
KJV	The King James Version
Lane	Lane, Edward W. *An Arabic-English Lexicon*. 8 Vols. Beirut: Libraire du Liban, 1968.
LE	Laws of Eshnunna
LHBOTS	Library of Hebrew Bible/Old Testament Studies
LSTS	The Library of Second Temple Studies
LU	Laws of Ur-Namma
LXX	The Septuagint
MAL	Middle Assyrian Laws
MARI	*Mari: Annales de recherches interdisciplinaires*
MT	The Masoretic Text
NA	Neo-Assyrian
NBL	Neo-Babylonian Laws
NCB	New Century Bible
NEA	*Near Eastern Archaeology*
NICOT	New International Commentary on the Old Testament
NIV	New International Version
NJPS	*Tanakh: The Holy Scriptures: The New JPS Translation according to the Traditional Hebrew Text.*
NRSV	The New Revised Standard Version
NSKAT	Neuer Stuttgarter Kommentar, Altes Testament
OB	Old Babylonian
OBO	Orbis Biblicus et Orientalis
OTL	Old Testament Library
PRU	*Le palais royal d'Ugarit*, *Mission de Ras Shamra*
QD	Quaestiones Disputatae
RA	*Revue d'assyriologie et d'archéologie orientale*
RB	*Revue Biblique*
RINAP	*The Royal Inscriptions of the Neo-Assyrian Period*
RlA	*Reallexicon der Assyriologie und vorderasiatischen Archäologie*
RRJ	*Review of Rabbinic Judaism*
SANER	Studies in Ancient Near Eastern Records
SAOC	Studies in Ancient Oriental Civilizations
SBL	Society of Biblical Literature
SBLDS	Society of Biblical Literature Dissertation Series
SBLMS	Society of Biblical Literature Monograph Series
SBLSP	Society of Biblical Literature Seminar Papers
SCCNH	*Studies on the Civilization and Culture of Nuzi and the Hurrians*
SemeiaSt	Semeia Studies
SJLA	Studies in Judaism in Late Antiquity

SP	Samaritan Pentateuch
SR	*Studies in Religion*
StBoT	Studien zu den Bogazköy-Texten
SymS	Symposium Series
Syr.	Syriac (translation of the Hebrew Bible)
TAD	Bezalel Porten and Ada Yardeni. *Textbook of Aramaic Documents from Ancient Egypt.* 3 Volumes. Winona Lake: Eisenbrauns, 1986.
TDOT	G. Johannes Botterweck and Helmer Ringgren, edd. *Theological Dictionary of the Old Testament.* 15 Volumes. Translated by John T. Willis. Grand Rapids: Eerdmans, 1977-.
Tg.	Targum
Tg. Neof.	Targum Neofiti
Tg. Onq.	Targum Onkelos
Tg. Ps.-J.	Targum Pseudo-Jonathan
THeth	Texte der Hethiter
TOTC	Tyndale Old Testament Commentaries
TSAJ	Texte und Studien zum antiken Judentum
UBL	Ugaritisch-biblische Literatur
UF	*Ugarit Forschungen*
Urk.	Steindorff, Georg, ed. *Urkunden des ägyptischen Altertums.* 8 Vols. Leipzig: J. C. Hinrichs, 1903ff.
VT	*Vetus Testamentum*
VTSup	Supplements to Vetus Testamentum
Vulg.	Vulgate
WAWSup	Writings from the Ancient World Supplement Series
WBC	Word Biblical Commentary
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
WO	*Die Welt des Orients*
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
ZA	*Zeitschrift für Assyriologie*
ZABR	*Zeitschrift für altorientalische und biblische Rechtsgeschichte*
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*
ZNW	*Zeitschrift für die neutestamentliche Wissenschaft und die Kunde der älteren Kirche*

Chapter One

The Defilement of the Land in the Hebrew Bible: An Introduction

For as long as the Hebrew Bible has been studied, scholars have labored to explain the numerous ritual purity laws in Lev 11-15.[1] These regulations govern discharges of the body (e.g., menstruation, childbirth, seminal emission); blemishes on skin, clothing, and houses; and the distinction between clean and unclean animals for food. Yet even though modern scholars have scrutinized these ordinances, they have devoted relatively less focus to other manifestations of purity language in the Hebrew Bible.[2] Only recently have scholars begun systematically studying other biblical texts that describe impurity in ways somewhat different than the presentation in Lev 11-15.[3] Many texts in the Pentateuch and elsewhere describe pollutions that do not derive from touching or eating something impure.[4] Instead, these impurities result from

[1] In the Hebrew Bible, ritual purity concerns the physical integrity and sanctity of individuals. To be ritually "pure" is not an elevated status belonging only to a select few. Rather, purity is the ordinary state of human bodies when they are healthy, intact, and out of reach of potential pollutants.

The material found in Leviticus 11-15 is part of the Priestly (P) material. Priestly texts comprise a substantial portion of the Pentateuch, spanning the books of Genesis, Exodus, Leviticus, and Numbers, but finding their most dense concentration in Lev 11-16. These texts reveal a concern with characteristically "priestly" matters (sacrifice, purity, sanctuary, ritual personnel, etc.) and betray a highly technical vocabulary. For discussion with further bibliography, see Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 3-51.

[2] Though modern scholars may have given relatively less attention to these texts on impurity, they were of great concern to ancient Jews. For example, both the Qumran texts and the tannaitic literature offer substantial discussions of impurities of every kind. See Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 67-135.

[3] I survey some of this scholarship in the following pages, where I discuss the history of research into the defilement of the land in the Hebrew Bible.

[4] A pollutant in the Hebrew Bible is anything that could contaminate a person or object. Ritual purity typically concerns the integrity of the body, so the various pollutants that threaten this state are largely concerned with body envelope violations, loss of bodily fluids, or exposure to potential contagions like disease or fungus (cf. Lev 11-15

socially unacceptable behaviors in ancient Israel, most notably murder, adultery, and idolatry.[5] Such transgressions defile the offender, but the Hebrew Bible also repeatedly observes that such actions bring the land of Israel into a state of impurity as well. In other words, Israel's land could also become polluted by the misdeeds of its inhabitants.[6]

Biblical scholars have not yet offered a thorough analysis of how the defilement of the land fits into Israel's broader purity ideology. Treatments of the subject to date have been typically haphazard and subordinated to other research goals. Thus, no scholar has thoroughly discussed all the biblical texts on the defilement of the land in one work. This void in the academic literature is not due to any lack of material. Land defilement appears in a significant number of texts across the Hebrew Bible. As a result, I endeavor in this work to gather and study these numerous texts treating the land's impurity in order to learn more about ancient Israelite conceptions of purity, law, and society. This study advances our understanding of impurity and

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and see further below). The impurities discussed at more length in this dissertation are less concerned with the integrity of the body and focus instead on matters of socially unacceptable behavior. In this case, the biblical writers employ a powerful metaphor: WRONGDOING IS A CONTAGION. When these unacceptable behaviors are performed, they cling to the individual, threaten society, and contaminate the land. These pollutions consist of an unsavory "substance" attached to the individual or land that degrades her social status and potential for flourishing.

[5] Throughout this thesis, a thorough exploration of land defilement in the Hebrew Bible requires us to examine matters of social norms and moral perspectives in ancient Israel. While I frequently use terms like "(im)moral" or "socially (un)acceptable," they are not intended as contemporary value judgments. I use such terms merely to represent the opinions held by the biblical authors/editors. The biblical writers employ land defilement as a tool for the construction of social norms and moral values, so we cannot avoid a careful discussion of such subjects, though our own contemporary perspectives may differ sharply from the judgments of the Israelite scribes who composed the Hebrew Bible over two millennia ago.

[6] The contagion of this second class of impurities is somewhat complex. Unlike the impurities of Lev 11-15, which could be transmitted between individuals by contact in many cases, the pollution that results from deeds like murder or adultery is not contagious between individual persons through any contact they have. Such pollution may be transmitted from polluted individuals to the land. Alternatively (and for reasons illustrated below more convinvcingly), this reflection of Israɛl's pollution in the land's own pollution may be the result of a metaphorical link between people and land: as the people become polluted by their behavior so also the land becomes unclean.

sin in the Hebrew Bible, but also raises important questions pertaining to matters of group identity, the use of emotion in law, and the relationship between law and ritual in ancient Israel.[7]

In order to orient the reader to the study of land defilement in the Hebrew Bible, I begin by surveying earlier contributions to the subject. My work on this subject would not be possible without the important observations and questions raised by others. The development of research into the land's impurity began quite late, with the first detailed considerations of land defilement appearing early in the 20th century in the works of David Hoffman (1905-6) and Adolf Büchler (1928). The heirs of these two scholars proceeded to develop ideas of impurity in two broadly distinct directions: 1) Some (most notably Jacob Neusner and Jacob Milgrom) developed a bifurcation between "literal" impurity (a type of impurity that affects one's physical state and access to the sanctuary; generally found in Lev 11-15) and "symbolic" or "metaphorical" impurity, such as that applied to Israel's land; 2) Others (most notably Jonathan Klawans and Christine Hayes) attempted to interpret every type of impurity as equally "literal" (thus every impurity adheres to the individual as a concrete contagion) and to fit these various impurities

[7] While I discuss the domains of social identity, emotion, law, and ritual at length throughout the following chapters, a brief description of ritual theory should clarify several matters in the following sections. The field of ritual studies is immense, complex, and encompasses a great many ongoing debates, but for our purposes here, one of Catherine Bell's descriptions of ritual proves quite helpful, "The most we can say is that [ritual] involves ritualization, that is, a way of acting that distinguishes itself from other ways of acting in the very way it does what it does; moreover, it makes this distinction for specific purposes" (Catherine Bell, *Ritual: Perspectives and Dimensions* [Oxford: Oxford University Press, 1997], 81). Bell's definition, like those posed by many others avoids strictly "religious" definitions of ritual. Communities develop rituals in all manner of social domains including the family (e.g., weddings), the courts (e.g., posture toward judges, sentencing procedures, etc.), business (e.g., carefully constructed approaches to the "C-Suite," routinized meetings agendas, etc.), sports events (e.g., playing the national anthem, team cheers, etc.), and more. For the purposes of my work here, we do not need a full-orbed and comprehensive definition of ritual, but an awareness that ritualization takes place in all manner of social domains. Thus, activities that might otherwise be considered ordinary (such as touching a dead body) are imbued with a shared social significace. In this approach to ritual, then, purity appears as one socially constructed component of ancient Israel's ritualizing culture. "Impure" acts are made so only by the shared cultural values and beliefs of those who practice (and condemn) them. Defilement is not a tangible, physical state that can cling to a person, but nevertheless bears a comparable significance to actual contaminants because of its social meaning. To be defiled is to be in the socially constructed position of one who has been touched by a socially dangerous contagion. While the rationales for such ritual beliefs are often impossible for us to reconstruct, we see the lived reality of them surface regularly in the bibilical texts.

together into a coherent (and often symbolic) system. My work in the following chapters owes a debt to those who have described land defilement as a metaphor but is undergirded and developed further through recent research into the emotion of disgust (see Section 1.2). In order to see the diversity and influence of earlier approaches we now turn to a review of previous literature on the land's defilement.

1.1 Introduction and History of Research

1.1.1 Early Perspectives

David Hoffman offers one of the earliest classifications of impurity in his two-volume commentary on Leviticus (1905-1906). According to Hoffman, ancient Israelites were concerned with two distinct types of impurity: 1) "impurity of holy things" (*ṭûm'at haqqĕdôšôt*) and 2) "impurity of bodies" (*ṭum'at haggĕwiyyôt*).[8] According to Hoffman, each class of impurity also has its opposite: impurity of holy things stands in opposition to holiness; impurity of bodies stands in opposition to purity. To begin with the latter class, unlike the land, impurities of bodies never result from immoral actions. As such, these defilements can be cleansed by an act of purification (such as a ritual bath).[9] Impurity of holy things, on the other hand, always results from immoral behavior. Such misdeeds defile an individual's inner being (cf. Lev 11:43; 19:31)

[8] See David Hoffman, *Das Buch Leviticus*, (Berlin: Poppelauer, 1905-06), I:212-213, 303-304. See also the helpful summaries of and responses to Hoffman's theory in Susan Haber, *"They Shall Purify Themselves": Essays on Purity in Early Judaism*, EJL 24 (Leiden: Brill, 2008), 10-11; and Jay Sklar, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions*, HBM 2 (Sheffield: Sheffield Phoenix, 2015), 141-142.

[9] Hoffman, ibid., I: 212-213, 304.

and, by extension, cause the land to become polluted and its inhabitants to be sent into exile.[10] According to Hoffman, "Jedes Land ist mit seinen Bewohnern innig verwachsen."[11] As such, the conduct of a population determines the fate of their land. As a land's inhabitants pollute themselves through "impurities of holy things" they bring the land with them into a state of impurity ("die Erde durch das Verderben der Menschen mit ins Verderben gezogen wird").[12] As a result, the population of a polluted land must be exiled to remove their defiling influence and give the land an opportunity to be cleansed.

Hoffman's bipartite scheme of impurity accrued additional detail and sophistication through the work of Adolf Büchler in his *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (1928). Büchler identified two distinct forms of pollution in the Hebrew Bible which he named "levitical impurity," associated with ritual law, and "moral impurity," caused by immoral conduct.[13] These two categories of impurity correspond quite closely to Hoffman's "impurity of bodies" and "impurity of holy things," respectively. Jay Sklar offers a helpful summary of four distinctions between Büchler's two categories: 1) Moral impurities are the result of some kind of moral lapse, whereas levitical impurities are not; 2) Moral impurities are cleansed through punishment (occasionally accompanied by a washing rite),

[10] The defilement that impurity of holy things brings upon the individual leads Hoffman to give this class of impurity a second name: *ṭum'at hannapšôt* "impurity of souls (*Seele* in the German text)." While Hoffman's translation of *nepeš* may be disputed, his point is clear: impurities of holy things are impurities that pollute individuals as persons, not merely their bodies. Ibid., I: 212, 303.

[11] Hoffman, ibid., II:25.

[12] Ibid., 24-25.

[13] See Adolf Büchler, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (New York: Ktav, 1967), 212-237.

while levitical impurities are cleansed ritually;[14] 3) Moral impurities are not contagious, but levitical impurities may be; 4) Biblical language describing moral impurity is symbolic or figurative, which is not the case with levitical impurities.[15] The fourth point, regarding the symbolic character of moral impurity, marks one of Büchler's sharpest diversions from Hoffman's theory and, in more recent scholarship, comes to define one of the important facets of describing land defilement. In his work on sin's polluting effects, Büchler subordinates defilement of the land to the class of moral impurities. In his view, Israel could defile her land through immoral behavior such as idolatry (Lev 18:1-28; Jer 2:4-28; 16:18; Ezek 36:17-18), bloodshed (Num 35:33), and sexual offenses (Lev 18:24-30; Deut 21:23; 24:4).[16] For example, when discussing Lev 18, he observes:

> A further consideration disproves the levitical character of the state of the land defiled by idols and proves its grave *moral* uncleanness: the fact that none of the ways and methods of purification known from the Pentateuch was applied in the removal of the impurity, but instead the complete vomiting out of the Canaanites, and later on of the Israelites themselves.[17]

According to Büchler, the land of Yahweh was presupposed to be holy, and thus possessed the unique capacity of being defiled by immoral conduct.[18] This impurity language, when applied to

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[14] Sklar's language here is somewhat unhelpful since a "washing rite" is also a ritual act like those used to cleanse levitical impurities. Ultimately, forcing sharp distinctions between legal and ritual remedies forces scholars like Sklar into impossible dilemmas. As I show in the following chapters, biblical texts prescribe unique blends of legal and ritual actions to cleanse the land of its impurities.

[15] See Sklar, *Sin, Impurity, Sacrifice, Atonement*, 142.

[16] See Büchler, *Studies in Sin and Atonement*, 213-219.

[17] Ibid., 216, emphasis original.

[18] Büchler accurately observes that the Jewish teaching that Gentile lands were polluted was developed much later in the 2nd Century BCE. See ibid., 217. These conclusions have been more recently buttressed by Andrea Allgood's thorough dissertation concerning the defilement of foreign lands in the Hebrew Bible. See Andrea Allgood, "Foreign Lands − Multiple Perspectives: Foreign Land Impurity in the Hebrew Bible, its Context, and its Ideological Underpinnings," (Ph.D. diss., Brown University, 2014), esp. pp. 264-285.

Israel's land was metaphorical. Thus, these impurities could not be cleansed through any ritual. Büchler did concede, however, that moral impurities could be cleansed by punishment.[19] While Büchler's conclusions about the defilement of the land (and moral impurity more generally) went ignored for decades, in recent years they have come to define much of the discussion concerning the function of impurity in ancient Israel.

1.1.2 Land Defilement as a Literal Component of Israel's Purity System

An influential group of scholars approaches impurity in the Hebrew Bible as a coherent system. These interpreters read the diverse cases and contexts of defilement and purification (with very few exceptions) as interrelated and meaningful only when understood together as a whole. As a result, when they address the defilement of the land, they explain this relatively uncommon form of defilement in its relation to other impurities found in the Hebrew Bible. Such perspectives appear in the influential works of Mary Douglas and, more recently, Jonathan Klawans and Christine Hayes, each of which I survey here.

Mary Douglas, in her *Purity and Danger* (1966) may have invigorated the study of biblical purity in the 20th century more than any other scholar. With her background in anthropology, she challenged the prevailing consensus (championed by scholars like William Robertson Smith, Emile Durkheim, and James Frazer) that biblical purity regulations were fundamentally irrational "survivals" from a primitive, pre-Israelite religious environment. According to Douglas, all societies regulate individual behavior through conceptions of purity. While they may define it differently, social groups anxiously describe and delimit "dirt"

[19] Büchler, ibid., 216, 225.

(Douglas's metaphor for impurity): they define dirt, show members how to avoid dirt, and elaborate rituals for the removal of dirt. These basic principles apply in all social settings whether we speak of ancient Israel's taboos against certain foods and bodily fluids or modern Western fears of contamination by germs or soiled garments. But Douglas's insight goes well beyond merely observing that all societies have some concept of dirt and the unclean. Perhaps her greatest contribution to impurity studies is her conclusion that "where there is dirt there is system."[20] She elaborates, "Defilement is never an isolated event. It cannot occur except in view of a systematic ordering of ideas. Hence any piecemeal interpretation of the pollution rules of another culture is bound to fail."[21] For Douglas, any culture's conceptions of pollution comprise a coherent system in the aggregate. When observed outside this systematic lens, taboos are sure to be misinterpreted because they are stripped of their broader symbolic significance. Douglas pins the symbolic meaning of impurity to the image of the human body. She observes:

> The body is a complex structure. The functions of its different parts and their relation afford a source of symbols for other complex structures. We cannot possibly interpret rituals concerning excreta, breast milk, saliva and the rest unless we are prepared to see in the body a symbol of society, and to see the powers and dangers credited to social structure reproduced in small on the human body.[22]

It comes as little surprise that Douglas might relate biblical impurities to the body since some of the best-known taboos concern childbirth, skin disease, seminal emissions, and menstruation (Lev 12-15). While many have challenged Douglas's efforts at interpreting the symbolism of the

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[20] Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*, *(*London: Routledge & Kegan Paul, 1966, Repr., Routledge Classics 93, London: Routledge), 44.

[21] Ibid., 51. She also observes, "Rituals of purity and impurity create unity in experience… By their means, symbolic patterns are worked out and publicly displayed… Ideas about separating, purifying, demarcating and punishing transgressions have as their main function to impose system on an inherently untidy experience." Ibid., 3, 5.

[22] Ibid., 142.

purity system (see below), she offers a more compelling argument that purity regulations reinforce social norms and expectations. Though Mary Douglas almost never speaks of the land's defilement in her writings, her views on impurity have nevertheless proven quite influential, not least because they have shaped the work of others who have elaborated more on the subject.[23] Social groups use impurity as a tool for enforcing conformity, normalizing behaviors, and demarcating insiders and outsiders. These social dynamics of impurity constitute a major component of the Hebrew Bible's use of land defilement, a theme that appears repeatedly throughout this dissertation.

Mary Douglas's approach to biblical impurity finds its most influential heir in the work of Jonathan Klawans.[24] Drawing on the earlier work of Adolf Büchler, Klawans extensively describes what he sees as two distinct, but interrelated systems of impurity in the Hebrew Bible, which he calls "ritual impurity" (essentially equivalent to Büchler's "levitical impurity") and "moral impurity." For Klawans, ritual impurity "affects the ritual status of person stricken by it" (see Lev 11-15, Num 19).[25] This class of impurity has three important characteristics: 1) Ritual impurity arises from natural and generally avoidable phenomena; 2) Contracting ritual impurity is not morally wrong or sinful; 3) Ritual impurity defiles individuals only impermanently. Moral

[23] Douglas herself has continued to develop her views in subsequent literature. See her *Leviticus as Literature*, (Oxford: Oxford University Press, 1999) and *In the Wilderness: The Doctrine of Defilement in the Book of Numbers,* (Oxford: Oxford University Press, 1993).

[24] See especially his *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000). Other publications developing his approach to biblical impurity (many of which are summarized in his monograph) include "Notions of Gentile Impurity in Ancient Judaism," *AJS Review* 20/2 (1995): 285-312; "The Impurity of Idolatry in Ancient Judaism," JJS 48/1 (1997): 1-16; "Idolatry, Incest, and Impurity: Moral Defilement in Ancient Judaism," *JSJ* 29/4 (1998): 391-415; *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006); "Symbol, Function, Theology, and Morality in the Study of Priestly Ritual," in *Ancient Mediterranean Sacrifice*, edd. Jennifer Wright Knust and Zsuzsanna Varhelyi (Oxford: Oxford University Press, 2011), 106-117.

[25] *Impurity and Sin in Ancient Judaism*, 22.

impurity, on the other hand, is always the result of immoral actions, typically sexual sins (cf. Lev 18:24-30), idolatry (cf. Lev 19:31; 20:1-3), or bloodshed (cf. Num 35:33-34). Klawans describes five distinct differences between ritual and moral impurity: 1) Ritual impurity is not sinful; moral impurity is a consequence of grave sin. 2) Ritual impurity bears a contact-contagion; moral impurity is not contagious. 3) Ritual impurity results in an impermanent defilement; moral impurity leads to a "long-lasting, if not permanent, degradation of the sinner and, eventually, of the land of Israel."[26] 4) Whereas ritual impurity can be washed away through purificatory rites, that is not the case for moral impurity; moral impurity is resolved only through punishment or atonement.[27] 5) Both classes of impurity can be described using the term *ṭm'*; moral impurity alone uses "abomination" (*tô'ēbâ*) and *ḥnp*, which Klawans describes as "a technical term that articulated the defiling force of sins. This term is synonymous with the term 'defile' [*ṭm'*] only in the latter term's moral sense – but it is not used in contexts of ritual impurity."[28] These two classes of impurity may operate in distinct domains,

Klawans's theory of moral impurity drives his interpretation of the defilement of Israel's land. He contends that serious sins defile not just the individuals who commit them, but also the land in which they reside. As sinners defile themselves through their morally impure conduct, they also convey those impurities to their land. While Klawans states that the land's pollution is

[26] Ibid., 26.

[27] Klawans's general statement that atonement can purify moral impurity (ibid., 26) proves rather confusing given his subsequent statements that sacrifice, including the rituals of the Day of Atonement, the highest and most comprehensive of priestly sacrifices (Lev 16), cannot purify grave sinners or the land on which they live. Klawans apparently distinguishes between the Day of Atonement's ability to cleanse the altar and sanctuary (which he affirms) and its impact on individual sinners and the land. He observes, "Such sinners either live out their lives in a degraded state or suffer capital punishment. The land, it appears, likewise suffers a permanent contagion" (ibid., 30).

[28] Ibid, 28.

"noncontagious," his view may more accurately be summarized by observing that the contagion of moral impurity flows in only one direction, from the sinner to the land.[29] Once defiled, the contagion that infects Israel's land cannot be transferred to another object.[30] No ritual means exists that might cleanse the land of its impurity. Instead, the defilement of the land has the result of casting all its inhabitants into exile. The contagion can only be cured by removing its source, the sinful people of Israel.[31]

While Klawans has exerted a great deal of influence on impurity studies, he has also received numerous critiques. First, in his discussion of ritual and moral impurity, Klawans is forced to categorize the dietary laws of Lev 11 and Deut 14 as "between 'ritual' and 'moral.'"[32] These impurity regulations are grouped with the other ritual purity laws in Lev 11-15, they do not defile the sanctuary (as sinful behaviors do), and those who violate these laws are not subject

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[29] Ibid., 30.

[30] The Hebrew Bible contains no clear case of a defiled land polluting one who travels through it. Note that even Sodom, a city known for its moral disrepute (cf. Gen 18:20-33), can receive heavenly visitors without fear of defiling them (cf. Gen 19). In a similar narrative, we find a Levite visiting Gibeah in Benjamin in preference to a Canaanite city (Jebus). When he arrives in the city, the depraved men (*'anšê bĕnê bĕliyya'al*) of the city commit "perversion and outrage" (*zimmâ ûnĕbālâ*) by raping and killing the Levite's concubine. Though the Levite thought this land, belonging to the tribe of Benjamin, was safer than that of the Canaanites, his expectations were horrifyingly inaccurate. Yet, despite the Levite's traversing a city (and tribal territory) polluted by such disgraceful behavior, he does not become defiled. Passing through this (potentially) polluted land does not have any demonstrable effect on the Levite himself. The crimes of the Benjamites in Judg 19-20 do, however, raise very interesting issues related to this dissertation. We find the offenses of the men of Gibeah attributed by the rest of Israel to the tribe of Benjamin. In response, the nation seeks to exterminate the offending tribe and purge the land of their behavior. This response raises the question of how ancient Israelites may have viewed crimes associated with cities, lands, or tribal groups. It would appear that discrete locations could become corrupted through the behavior of their occupants, and this corruption then necessitated a response of violent judgment to purge the affected domain. The writers of the Hebrew Bible seem to have a sense that certain crimes were geographically restricted offenses, affecting a certain geo-political or territorial area (and its population). Such dynamics evidently play a major role in the idea of *ḥerem*, "the ban," whereby the people of Israel destroyed the inhabitants of Canaan when they took possession of it. While these questions are doubtless related to the issue of land defilement, a full treatment of the geographical effects of unsociable conduct and its relation to *ḥerem* would take us too far afield in the present work.

[31] See ibid., 27.

[32] Ibid., 31.

to being "cut off" (*kārēt*, a common penalty for grave moral sins) or executed.[33] At the same time, the dietary laws bear several features common to moral impurities: 1) The consumption of these foods is explicitly forbidden and conveys a deleterious effect on transgressors (cf. Lev 11:43; 20:25); 2) Violation of these laws stands in contrast to holiness as opposed to purity (cf. Lev 11:45; 20:26); and most importantly, 3) Consuming forbidden foods ultimately leads to exile from the land, just like other moral impurities (cf. Lev 20:22-26).[34] Given the significant similarities between the dietary laws and both of Klawans's distinct impurity systems, he situates these regulations between the two as somehow overlapping each class of impurity. As Walter Houston observes, "This overlap, rather than calling for the bracketing out of the dietary laws [Klawans excludes these laws from the remainder of his study], might have led Klawans to reflect on their potential to undermine the neat distinction which he is engaged in drawing."[35] Second, Klawans has been challenged on several occasions for his insistence that moral impurity is literal and not metaphorical. He describes his understanding of metaphor:

> First, metaphorical or figurative language is defined in opposition to usage that is literal or technical: metaphorical language is not meant to be taken literally. Second, metaphors involve a degree of transference: a term or phrase that is literally applicable in one case has been transferred to a context to which it is not literally applicable…. What this boils down to is that when purity language is used metaphorically, then no real defilement or purification is actually taking place.[36]

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[33] See David Wright, "The Spectrum of Priestly Impurity," in *Priesthood and Cult in Ancient Israel*, edd. Gary A. Anderson and Saul M. Olyan, (Sheffield: JSOT, 1991), 165-169; "Unclean and Clean (OT)," *The Anchor Bible Dictionary*, ed. David Noel Freedman, (New York: Doubleday, 1992), IV: 730-731.

[34] See Klawans, *Impurity and Sin in Ancient Judaism*, 31-32; Hoffman, *Das Buch Leviticus*, 303-304, 340.

[35] Walter Houston, review of *Impurity and Sin in Ancient Judeaism*, by Jonathan Klawans, *JTS* 52/2 (2001): 724; see also Joseph Lam, who observes, "Given the absolute strictness with which he tries to establish the separateness of the categories of 'ritual' and 'moral' impurity, the equivocation here is conspicuous." "The Metaphorical Patterning of the Sin-Concept in Biblical Hebrew," Ph.D. diss. (The University of Chicago, 2012), 127.

[36] *Impurity and Sin in Ancient Judaism*, 33.

For Klawans, then, metaphorical impurity as in impurity that essentially has no essence or actual impact. This definition of metaphor has been soundly critiqued by numerous scholars for being vague, inaccurate, and failing to account for recent developments in metaphor theory.[37] Lastly, Klawans has received further criticism for his contention that the land is permanently defiled by the people's sins and cannot be cleansed. Jay Sklar, for example, has used Num 35:33, a text concerned with the defilement of the land through illicit bloodshed, to argue that there were methods by which Israel could cleanse the land of its defilements. In this particular case, the law suggests that the land may be purified from the defiling force of murder by retributive justice and the shedding of the murderer's own blood.[38] I probe the permanence of land defilement throughout this thesis and ultimately agree that there were means by which Israel could cleanse the land.[39]

Finally, Christine Hayes offers us the last attempt to interpret biblical impurity regulations together as an interrelated system. Hayes accepts and builds on Klawans's approach to impurity but adds to his two categories of "ritual impurity" and "moral impurity" a third class of defilements: "genealogical impurity." She bases her view primarily on the intermarriage bans found in Ezra 9-10 and Neh 13 (which prohibited Israelites from marrying non-Israelites and

[37] The details regarding Klawans' use of metaphor and other scholars' critiques of it are not essential to the argument of this thesis. For those interested in pursuing the matter further, see Joseph Lam, "The Metaphorical Patterning of the Sin-Concept in Biblical Hebrew," 127-128, 423-425, 430-432; William L. Countryman, review of *Impurity and Sin in Ancient Judaism*, by Jonathan Klawans, *ATR* 85/1 (2003): 202; Bruce Chilton, review of *Impurity and Sin in Ancient Judaism*, by Jonathan Klawans, *RRJ* 4/2 (2001): 352.

[38] See Sklar, *Sin, Impurity, Sacrifice, Atonement*, 148.

[39] This subject appears in most of the chapters of this dissertation, but for my detailed discussion of Num 35:33, see Chapter 2.3.3.

requires the dissolution of any such marriages), investigating the presence of purity concerns in these narratives.[40] According to Hayes:

> Ezra's innovative exclusionary program required an equally innovative conceptual basis. Characterizing Israel as holy seed and Gentiles as profane seed enabled Ezra to construct intermarriage−the mixing of holy and profane seeds−as a profanation. Since no ritual purification or moral reformation can modify one's lineage, the binary opposition holy seed/profane seed is irremediable.[41]

According to Hayes, the post-exilic authors of Ezra-Nehemiah saw a fundamental distinction between holy Israelites and profane outsiders. The intermingling of these distinct seeds through intermarriage would pollute those bearing a uniquely holy Israelite identity. Israel's holy status stood the risk of being compromised if the people married foreigners. This class of defilement differs from the two already identified by Klawans: unlike ritual impurity, genealogical impurity is permanent; unlike moral impurity, genealogical impurity does not result from committing immoral acts like murder or adultery. According to Hayes, the author of Ezra-Nehemiah recognizes that genealogical impurity, unlike ritual (or even moral) impurity, cannot be rectified. One cannot undo his or her genealogy to correct any impurities it contains.[42] The danger of such pollution implies that Israel must carefully safeguard its ethnic boundaries. Intermarriage with the neighboring peoples threatens Israel's identity; with each successive intermarriage, the remaining group of "pure" Israelites diminishes, generation by generation.

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[40] I respond to Hayes's interpretation of Ezra 9-10 at much greater length in Chapter Six. For a thorough and detailed critique of the way in which both Klawans and Hayes approach purity conceptions in Ezra-Nehemiah, see Saul Olyan, "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community." *JSJ* 35/1 (2004): 1-16.

[41] Christine Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 33.

[42] See ibid., 32-33.

In developing her theory of genealogical impurity, Hayes adds relatively little to the theory of land defilement already propounded by Klawans before her. She agrees that the "abhorrent" behavior of the land's inhabitants could pollute the territory of Israel.[43] Yet, Hayes draws special attention to the possibility that all persons, both Israelites and outsiders, could pollute the land through their immoral conduct. In fact, the texts that Hayes examines in her study emphasize the fact that the non-Israelites with whom the returned exiles intermarry are those whose conduct is characterized by "abominations" (cf. Ezra 9:1-2, 11-12). Thus, if Israel pollutes its genealogy through intermarriage, it also stands at greater risk of morally defiling the land since those who commit socially unacceptable deeds were gradually assimilated into the community of Israel. Genealogical purity, then, while not a force explicitly capable of defiling the land, could become a way by which foreign, abhorrent behaviors worked their way into Israel's own way of life, thereby leading to widespread defilement, the pollution of the land, and the eventual (re-)exile of Israel.

1.1.3 Land Defilement as a Metaphorical Element Outside Israel's Purity System

While numerous scholars have approached biblical conceptions of defilement as a coherent system, a substantial number of interpreters resist these overarching theories. While portions of Israel's purity regulations may be systematically organized (particularly the Priestly literature in Lev 11-15), other purity teachings are haphazard, unique, and/or unrelated to other materials. These scholars tend to consider the defilement of the land as detached from the more technical Priestly system of impurities. In most cases, they regard the use of defilement language

[43] See ibid., 23.

when applied to Israel's territory as "metaphorical," a secondary usage of technical language applied to a new context. Among those scholars are such prolific writers as Jacob Neusner and Jacob Milgrom, as well as others who have continued to advance the discussion more recently, like Joseph Lam. Their work proves an important source of inspiration and influence for this dissertation.

Jacob Neusner divides the biblical corpus of purity conceptions into two overarching parts: 1) Laws about purity and impurity connected to the Temple cult, and 2) Uses of purity and impurity as "a metaphor for morality."[44] Neusner limits the first class of impurities to the priestly legislation primarily found in Lev 11-15 and Num 19, which concerns itself only with purity related directly to the Temple. The second use of (im)purity language, however, appears throughout the Hebrew Bible. In these texts, purity represents the equivalent of moral uprightness and impurity the equivalent of immorality (see e.g., Isa 1:16; 6:5; 64:5; Ps 18:21, 25; 24:3-5; 51:9; Prov 20:9; Ecc 9:2). According to Neusner, the defilement of the land falls into the latter class of impurities. The land is made unclean through immoral acts, which situates it in the metaphorical class of impurities. Neusner claims that the defilement of the land demonstrates "an indifference to the actual, material details of the laws of ritual purity and impurity. Slight effort is made to refer to, or make use of, the concrete laws."[45] Thus, the defilement of the land does not constitute one component in a wider system of impurity regulations. Rather, the land's defilement is a novel application of purity language to the moral domain. Immoral behavior causes this pollution, but the pollution itself cannot be remedied through any aspect of the cult.

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[44] See Jacob Neusner, *The Idea of Purity in Ancient Judaism: The Haskell Lectures, 1972-1973*, SJLA 1 (Leiden: Brill, 1973), 11; Susan Haber, *They Shall Purify Themselves,* 15-16.

[45] Ibid., 15.

Neusner's approach to purity and impurity in the Hebrew Bible has not gone without critique, but his work typifies more recent developments in impurity studies.[46]

The metaphorical approach to land defilement finds one if its most prolific proponents in Jacob Milgrom, who has given extensive attention to ancient Israel's beliefs and practices regarding sacrifice and purity. Like Neusner, Milgrom also distinguishes between two distinct groups of purity regulations in the Hebrew Bible, but Milgrom builds his theory on a source-critical foundation. According to Milgrom, the Priestly source (P, primarily found in Lev 1-16) exhibits a well-defined system of purity regulations. By way of contrast, the Holiness Code (H, primarily found in Lev 17-27) makes statements about purity that lack any systematic arrangement.[47] Milgrom's support for his distinction between P and H is detailed and extensive. He supports his case most strongly by demonstrating several technical terms regarding purity (and other subjects) in P that are used by H in a metaphorical manner. Most important for our purposes, Milgrom contends that H uses the term *ṭāmēʾ*, "to be unclean," in a metaphorical manner: "In P, [*ṭāmēʾ*] is ritual impurity; in H, moral impurity. Ritual impurity is remediable by ritual purification, but moral impurity is irremediable. It is a capital crime, punishable for the

[46] Mary Douglas has, unsurprisingly, rejected Neusner's concept of metaphorical impurity. She contends, in an appendix to Neusner's work, that all the biblical texts related to impurity are part of a single symbolic system. Ibid., 137-142. Joseph Lam has also criticized Neusner's failure to consistently apply his categories of impurity to the biblical text. In some priestly texts, he identifies impurities as metaphorical (cf. Lev 18:24-25); in other cases, he fails to demonstrate why the impurity cannot be literal. See Lam, "The Metaphorical Patterning of the Sin-Concept in Biblical Hebrew," 113-114.

[47] See, for example, Jacob Milgrom, *Leviticus 17-22 A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1326-1328. Critical scholars generally agree that the Priestly source, regardless of its absolute date, was composed prior to the Holiness material. The H redactor extensively used P material in composing his own texts. For extensive discussion, see Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995) and Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007).

individual by *kārēt* [being "cut off"] and for the community by exile."[48] By way of a second example, Milgrom observes that P uses the term *niddâ* to denote menstrual impurity, but in H (and other texts derived from it, such as Ezekiel and Ezra-Nehemiah), the same word comes to function as a metaphor for indecency or disgrace.[49] Thus, according to Milgrom, H manifests a metaphorical, "non-cultic" pollution that is every bit as "real" as the cultic pollution found in P but is considerably more dangerous: H's non-cultic impurity cannot be expiated through ritual or sacrifice.[50] In Milgrom's view, P teaches a systematic, organized, and restricted form of impurity. H, on the other hand, uses metaphor to extend holiness into every domain of Israel's society and culture.

Milgrom's distinct approaches to impurity in P and H have a major impact on his interpretation of the land's defilement. Following Israel Knohl's work on the Holiness material in the Hebrew Bible, Milgrom argues that P restricts holiness to the sanctuary, whereas H extends it to the entire land and its occupants, the people of Israel.[51] Since both sources differ regarding the locus of holiness, they also offer different objects that can be defiled. For P, Israel's impurities infect the sanctuary, from which they are purged through the ritual complex of the Day of Atonement (Lev 16). Pollution in H, however, clings to sinful Israelites and the land

[48] Ibid., 1326. Note that Milgrom is not using the terms "ritual impurity" and "moral impurity" in the technical sense that Klawans applies to them. Milgrom, while aware of and conversant with Klawans's theories, has leveled substantial critiques against them. See, for example, his "Systemic Differences in the Priestly Corpus: A Response to Jonathan Klawans," *RB* 112/3 (2005): 321-329.

[49] See ibid., 1328.

[50] See ibid., 1404.

[51] See ibid., 1353; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995), 185-186.

in which they dwell. Even though Milgrom identifies this land pollution as "nonexpiable," he contends that the polluted land must be cleansed:

> When the entire earth was polluted in Noah's time, it was cleansed by a flood. Presumably, Israel's polluted land is purified by time. This can be deduced from the explicit statements that the land must be allowed to make up for the sabbaths that Israel has failed to observe [Lev 26:34-35].… The sanctuary/land (i.e., God) can tolerate a limited amount of pollution caused by a few, but if the ["assembly"] *ʿēdâ* is culpable, Israel is driven from its land.[52]

All the residents of Israel's territory are responsible for maintaining its purity through carefully safeguarding their conduct. Should Israel pollute the land, they would be cast out of it in exile since such pollution would be irreversible.

Milgrom's approach to impurity in P and H has received criticism from a number of scholars. While they applaud his systematic and detailed analysis of P's purity regulations, they argue that Milgrom's unsystematic approach to purity in H reflects a lack of effort. For example, Haber observes that:

> Although he discusses the main sources of moral impurity−idolatry, murder, and sexual sin−on their own terms, he makes no significant attempt to show the relationships among them. …The laws concerning moral impurity are not systematized, nor is there any clear explanation of the mechanism of defilement."[53]

Jonathan Klawans has criticized this facet of Milgrom's research in even more extensive detail. He contends that Milgrom has inexplicably refused to find a system in H's purity regulations,

[52] Ibid., 1404, 1423.

[53] Haber, *They Shall Purify Themselves*, 21.

failing to apply the same standards of rigor that he uses in his work on P.[54] In a review article, Klawans pointedly states:

> In *Leviticus 1-16*, the priestly tradition is allowed to express a complex system of ritual impurity laws. This system unifies a set of related regulations, and it is granted that not all the rules are explicitly stated.… The Holiness Code is allowed to say only what it states explicitly−there is no system to the moral pollution ideas of Leviticus. Milgrom could be right about one system or the other−but I don't see how he can be right about both.[55]

In a response to Klawans, Milgrom rejoins, "The truth is that H *has no system*! And why should it? H is not P. H is the product of a later school of priests bearing a new agenda."[56] Fundamentally, Milgrom's diachronic approach to purity conceptions in the Hebrew Bible runs afoul of the more systematic interpretations of scholars who approach the biblical text synchronically. Such disputes between scholars advocating synchrony or diachrony preponderate throughout scholarship on the Hebrew Bible and cannot be resolved here. Yet it remains worth noting that such global and far-reaching issues impact even our understanding of impurity in ancient Israel.

Hyam Maccoby offers yet another metaphorical approach to impurity in the Hebrew Bible, specifically in his interpretation of the defilement of the land. According to Maccoby, the land becomes defiled because serious misdeeds take place in a holy setting, namely the land of Israel. But this defilement is not a distinct mode of defining impurity that differs from the "ritual impurity" of Lev 11-15. Rather, he contends that the defilement of the land is a metaphor. He

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[54] See Jonthan Klawans, "Ritual Purity, Moral Purity, and Sacrifice in Jacob Milgrom's *Leviticus*," *Religious Studies Review* 29/1 (2003): 19-23.

[55] Ibid., 23.

[56] Jacob Milgrom, "Systemic Differences in the Priestly Corpus: A Response to Jonathan Klawans," *RB* 112/3 (2005): 324.

clarifies, "By saying that moral sins cause pollution to the Land [sic.] in a metaphorical or figurative sense, it is meant that this pollution cannot be 'cashed' in terms of location in a system of graded impurities or procedures of purification."[57] Maccoby compares the characterization of sins as "impure" to the similar identification of such behavior as "disgusting." In his perspective, both the impurity and repulsiveness of sinful deeds are metaphors. He gives special attention to the use of both metaphors in Lev 18. In this text, the land of Israel vomits the Israelites out of its midst after they have defiled it (cf. Lev 18:25, 28). In Maccoby's view, the author here characterizes the land as a large animal that has a limited capacity for ingesting "disgusting food" (impurities generated by Israel's misconduct).[58] In this metaphor, according to Maccoby, "It is clear that the Land becomes 'defiled' to the point of expulsion not by individual misdeeds, but by an accumulation of misdeeds such that the offender becomes the community at large rather than individuals."[59] The impurities that defile Israel's land are metaphorical; they have no place in a system of defilement and purification. Rather, the impurities that defile Israel's land represent the people's sins and their aggregation over time. The biblical writers use the defilement of the land, according to Maccoby, as a vivid image of the devastating consequence that sin can have as it builds up over generations.

The most recent and sophisticated discussion of metaphorical applications of impurity language in the Hebrew Bible appears in the work of Joseph Lam. He explores the metaphorical patterning of sin in the Hebrew Bible and Lam devotes one chapter of his work to the concept of

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[57] Hyam Maccoby, *Ritual and Morality: The Ritual Purity System and its Place in Judaism* (Cambridge: Cambridge University Press, 1999), 200.

[58] Ibid., 201.

[59] Ibid., 201.

"sin as impurity."[60] Lam focuses on two key issues regarding the metaphorical use of impurity: 1) The relationship between literal and metaphorical uses of the terms *ṭhr* "to be pure" and *ṭm'* "to be impure," and 2) The correlation between *ṭhr/ṭm'* and sin. Lam's organized approach to metaphors of impurity inclines him to classify the use of purity terminology more concretely than others who have worked on such metaphors. He discovers four distinct uses of (im)purity language: 1) The literal, non-cultic application of *ṭhr/ṭm'* (e.g., describing metals as pure; cf. the common phrase *zāhāb ṭāhôr* "pure gold" [Ex 25:11, etc.] or the opposite use of *ṭm'* in Ezek 24:11); 2) The literal, cultic use of *ṭhr/ṭm'* (cf. Lev 11-15); 3) The metaphorical extension of the literal, non-cultic meaning of *ṭhr/ṭm'* (e.g., characterizing sins as metallic impurities; cf. Ezek 24:13; Mal 3:2-3); 4) The metaphorical extension of the literal, cultic meaning of *ṭhr/ṭm'* (examples to follow).[61] Lam's fourth category is the one that demands attention for our purposes here.

The metaphorical use of cultic (im)purity language essentially overlaps with what Klawans and others have identified as "moral impurity." Instead of categorizing these impurities as a distinct system, Lam reads them as a group of metaphorical applications of cultic terminology to Israel's immoral behavior. For example, in Ezek 36:17, Israel's sinful deeds are compared to those of a menstruating woman: "Son of man, as for the house of Israel, while they were dwelling on their land, they defiled it (*wayĕṭammĕ'û*) with their way and with their deeds. Their way before me was like the defilement of menstruation (*kĕṭum'at hanniddâ*)." The use of

[60] Joseph Lam, "The Metaphorical Patterning of the Sin-Concept in Biblical Hebrew," Ph.D. diss. (The University of Chicago, 2012). Lam's dissertation was later published as Joseph Lam, *Patterns of Sin in the Hebrew Bible: Metaphor, Culture, and the Making of a Religious Concept* (Oxford: Oxford University Press, 2016).

[61] See Lam, "The Metaphorical Patterning of the Sin-Concept in Biblical Hebrew," 415-436; see also idem, *Patterns of Sin in the Hebrew Bible*, 187-205.

the *kap* preposition makes the simile explicit, thus demonstrating that the impurity language is not to be taken literally. Ezekiel explicitly observes that this metaphorical impurity defiles the land of Israel. Lam also identifies this metaphorical use of impurity language in Lev 18:24-25, another important land-defilement text. In his perspective, Lev 18:25 essentially equates the impurity of the land with sin: "So the land became defiled and I visited its guilt upon it (*wattiṭmā' hā'āreṣ wā'epqōd 'ăwônāh 'ālêhâ*). Then the land vomited out its inhabitants." Lam observes:

> For 'moral impurity' to represent a distinct, literal category, it must be understood as being produced or 'unleashed' by sin, but not equivalent to it. To equate moral impurity with sin is, de facto, to take it as a metaphor. Sin is somehow being portrayed *as* defilement here.[62]

Lam additionally explores the metaphor of the land vomiting out its inhabitants due to the accumulation of impurities. He modifies Maccoby's explanation of the land as an animal that has ingested foul food, arguing instead that the impurity may be transferred to the land by contact like a contagious illness. The land catches this "disease" from its inhabitants and vomits them out as a mode of expelling the contagion.[63] According to Lam, those impurities identified by some (like Klawans and Hayes) as "moral impurity" should more accurately be interpreted as metaphorical applications of cultic impurity.[64] Such metaphorical impurity is no less potent or

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[62] Lam, *Patterns of Sin in the Hebrew Bible*, 204.

[63] Ibid., 205. Note the contagion model here and how it coheres quite nicely with theories that associate defilement with disgust discussed in the following section.

[64] Lam offers a fairly thorough rebuttal of the arguments of Klawans and Hayes in ibid., 202-204. In his earlier work, he helpfully observes, "The features of 'moral impurity' that Klawans identifies appear to constitute a de-particularizing of the impurity idea, in a way that would be consistent with a metaphorical usage. The absence of contact-contagion, the presumed permanence of the impurity (or at least the lack of mention of its impermanence), and the lack of specific purification rites to cancel it – these simply affirm the 'impurity' involved as being non-ceremonial in nature." Idem, "The Metaphorical Patterning of the Sin-Concept in Biblical Hebrew," 424.

significant than the "literal" impurity proposed by some. The metaphor of sin as impurity captures important cultural attitudes about Israel's conduct and its potential consequences.

Finally, Tracy Lemos offers one final perspective on impurity in the Hebrew Bible that differs somewhat from all those that have preceded. She does not argue that the defilement of the land is a metaphorical application of literal cultic impurity. Rather, Lemos forcefully advances the claim that biblical purity conceptions do not operate according to any system at all. In other words, she quite explicitly negates Mary Douglas's claim, "Where there is dirt there is system."[65] This insistence that biblical purity does not operate according to an overarching system draws our attention to the diversity of purity conceptions in the Hebrew Bible. Lemos's approach to biblical (im)purity emphasizes the diachronic development of Israel's beliefs and conduct as well as the potential for internal contradictions and mutually exclusive rationales in the Hebrew Bible. In her perspective:

> There is no one rubric that can make sense of all of the sources of impurity attested in Israelite texts and the attempt to uncover one structure, symbolic or otherwise, underlying all of these sources is at best counterproductive and at worst a distraction from the task of analyzing how different biblical texts construct impurity in sometimes very divergent ways.[66]

Lemos observes that scholars have tended to interpret different elements of priestly texts through different lenses. Studies of sacrifice in the Bible give substantial attention to ritual theory and praxis, whereas studies of purity center on symbolism and beliefs "as if purity were at base an idea rather than a set of practices."[67] As a matter of fact, the biblical texts discussing purity tend

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[65] Lemos signals her reaction to Douglas in the title or her article, "Where There Is Dirt, Is There System? Revisiting Biblical Purity Constructions," *JSOT* 37/3 (2013): 265-294.

[66] Ibid., 266.

[67] Ibid., 281.

to focus their attention on matters of practice: which substances defile and ought to be avoided; how impurities are to be cleansed; and what implications a person's status as clean/unclean has for her participation in Israel's society and worship. Lemos helpfully highlights some of the most significant assumptions that undergird much of the contemporary study of biblical purity. Even those who view land defilement as metaphorical and external to a well-defined purity system tend to regard at least part of Israel's cultic purity customs as arranged in a system driven by particular beliefs. Lemos urges scholars to consider each purity practice on its own terms without attempting to place it in a broader system until or unless such relationships become necessary. After all, the texts of the Hebrew Bible that present us with purity concerns are a diverse collection of literary works. It can be all too easy to be prejudiced toward finding systematic coherence in these works simply because they appear together in the Hebrew Bible. Lemos' diachronic and contextual approach to biblical purity opens potential avenues for the reinvigoration of some entrenched disputes in the field. Should scholars follow her suggestions and abandon a systematic interpretation of purity in the Hebrew Bible, many new approaches to these texts will emerge in the years to come.

1.2 Recent Developments in Purity and Disgust

In more recent years, scholars of purity in the Hebrew Bible have discovered a new resource for explaining the diverse array of taboos in ancient Israel: the emotion of disgust. The past two decades have seen an explosion of psychological research into disgust, largely sparked by the groundbreaking work of Paul Rozin and his colleagues. These researchers have unearthed the deep evolutionary roots of disgust and its function as a basic emotion as well as its further

developments into "interpersonal" and "moral" disgust. Hodson and Costello summarize these findings on disgust with the following definition:

> Disgust is a complex construct, ranging from concerns about ingestion and protecting the body from disease and infection (core disgust), to distancing oneself from reminders of one's animal nature and mortality (sex and death disgust), to concerns with protecting not only the physical body, but also the soul and social order (interpersonal disgust).[68]

Biblical scholars have observed a remarkable overlap between the disgust triggers psychologists identify and the objects and behaviors that biblical writers describe as defiling. They demonstrate the deep evolutionary roots of impurity beliefs in general and their particular development in Israelite concerns for avoiding the unclean. These findings have proven especially useful to unearthing common cultural trends that persist throughout various historical periods. As we will see in this dissertation, the use of disgust-related thinking operates on a reasonably consistent level across biblical land-defilement texts sometimes separated by centuries and situated in very different cultural environments. In the following pages, I first describe the psychological research into disgust that has sparked a revolution in approaches to biblical impurity. Then, having developed an adequate description of disgust, I demonstrate how researchers have applied this material to ancient Israel's unique conceptions of defilement.

1.2.1 Disgust in Contemporary Psychological Research

Researchers have long identified disgust as one of the basic human emotions alongside happiness, sadness, fear, anger, and surprise. As a basic emotion, disgust fundamentally serves the purpose of protecting the individual from potential contaminants or contagions. Rozin, Haidt,

[68] Gordon Hodson and Kimberly Costello, "Interpersonal Disgust, Ideological Orientations, and Dehumanization as Predictors of Intergroup Attitudes," *Psychological Science* 18/8 (2007): 692.

and McCauley have defined "core disgust" (the biologically basic form of disgust) as "revulsion at the prospect of (oral) incorporation of an offensive object. The offensive objects are contaminants; that is, if they even briefly contact an acceptable food, they tend to render that food unacceptable."[69] When an individual experiences disgust, he or she withdraws from the offending object, creating a "safe" distance to avoid any potential contamination. This avoidant component of disgust physically manifests itself in the facial expression associated with the emotion. Across cultures, when humans experience disgust their facial movements tend either to discourage the entry of foreign objects into the body (through a wrinkled nose and/or raising of the lower lip) or to expel offending substances already in the mouth (by gaping with or without extension of the tongue).[70] To further enhance the body's capacity to reject potentially dangerous substances, disgust also manifests itself in the physiological state of nausea, which inhibits ingestion.[71] Core disgust, then, always manifests at least three features: 1) A sense of oral incorporation; 2) A sense of offensiveness; and 3) Contamination potency.[72]

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[69] Paul Rozin, Jonathan Haidt, and Clark R. McCauley, "Disgust," in *Handbook of Emotions*, 2nd ed., edd. Michael Lewis and Jeannette M. Haviland-Jones (New York: Guilford, 2000), 637. Rozin has demonstrated in several places that disgust has its evolutionary roots in the rejection of potentially hazardous food, from which the emotion developed further functions in human life. See, for example, Paul Rozin, "Food is Fundamental, Fun, Frightening, and Far-Reaching." Social Research 66/1 (1999): 23-24; Paul Rozin, Jonathan Haidt, and Katrina Fincher. "From Oral to Moral." *Science* 323/5918 (2009): 1179-1180.

[70] Studies of the relationship between facial expressions and the basic emotions have been multiplied many times across cultures. These studies have demonstrated the ability of individuals in diverse settings (including culturally isolated "modern stone age" societies) to recognize the six basic emotions in the facial expressions of others and replicate those facial expressions themselves when presented with narratives describing them. In a meta-analysis of this research, Elfenbein and Ambady have demonstrated the statistical support for recognition of basic emotion through facial expressions across cultures. See Hillary Elfenbein and Nalini Ambady, "On the Universality and Cultural Specificity of Emotion Recognition: A Meta-Analysis," *Psychological Bulletin* 128/2 (2002): 203-235.

[71] Rozin, Haidt, and McCauley note that disgust is the only basic emotion associated with a specific physiological state. "Disgust," 638.

[72] See ibid., 640.

Of course, humans experience disgust in association with many objects beyond food and drink. This aspect of the emotion has led scholars to describe its broader underlying features. In developing these findings, Jonathan Haidt and colleagues observe, "Disgust is triggered off not primarily by the sensory properties of an object, but by ideational concerns about what it is, or where it has been."[73] While the emotion may have biological roots, it operates at an intellectual level in humans, who avoid objects they believe to be dangerously polluting. Haidt and colleagues have helpfully demonstrated that disgust follows two laws of sympathetic magic: 1) Contagion: when a polluted object touches a neutral object, some essence is transmitted, even apart from any visible stain; and 2) Similarity: "things that are similar in some properties are believed to be fundamentally similar, or even identical."[74] Disgust guards the body from more than merely dangerous food. It protects individuals from many potentially hazardous substances. Those substances that have proved consistently disgusting to humans tend to be those that remind us of our animal nature. For example, all human body secretions and excretions are considered disgusting, with one exception: tears, the only uniquely human fluid secretion.[75] Scholars identify seven categories of basic disgust elicitors: 1) Food; 2) Animals; 3) Body

[73] Jonathan Haidt, Paul Rozin, Clark McCauley, and Sumio Imada, "Body, Psyche, and Culture: The Relationship between Disgust and Morality," *Psychology and Developing Societies* 9/1 (1997): 109. See also William Ian Miller, *The Anatomy of Disgust* (Cambridge: Harvard University Press, 1997), 2, 8.

[74]As an example of the principle of similarity, Haidt et al. note that "Americans are often reluctant to consume chocolate fudge in the shape of dog faeces, or to drink apple juice out of a new bedpan, even though they 'know' there is no threat of contamination." Ibid., 110.

[75] Ibid., 112-113.

products; 4) Sexual deviance;[76] 5) Body envelope violations; 6) Poor hygiene; and 7) Contact with death.[77]

While disgust functions as a biological defense for the human organism, this emotion has also evolved to "protect" the self or the group from foreign individuals our outgroups. This form of disgust oriented toward other people has been coined "interpersonal disgust." As summarized by Rozin, Haidt, and McCauley, "This form of disgust clearly discourages contact with other human beings who are not intimates and can serve the purpose of maintaining social distinctiveness and social hierarchies."[78] Like core disgust, interpersonal disgust has also been the subject of numerous experimental studies, the results of which are quite illuminating:

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[76] What constitutes sexual deviance is, of course, historically and culturally contingent. As Daniel Kelly observes, "While 'deviant sex' induces disgust most everywhere, what counts as deviant is, to some extent, dictated by particular cultures and can differ from one culture to the next. For instance, homosexuality might be considered deviant and disgusting, as in many parts of the United States, or might be perfectly acceptable, as in other parts of the United States or in ancient Greece. As in the case of food, constraints and biases appear to influence the variation. For instance, more extreme varieties of deviance such as bestiality and necrophilia are more likely to be deemed disgusting." Daniel Kelly, *Yuck! The Nature and Moral Significance of Disgust* (Cambridge: The MIT Press, 2011), 31.

[77] These results were found in studies on American subjects, though Haidt et al. demonstrate a general sharing of these categories with other cultures. See "Body, Psyche, and Culture," 115-121. Unfortunately, relatively little academic work has been devoted to disgust research in cross-cultural anthropological studies. (See Michael Jones, "What's Disgusting, Why, and What Does It Matter?" *Journal of Folklore Research* 37/1 (2000): 53.) One intriguing exception is the chapter devoted to disgust in the descriptions of food and culinary customs as it appears in 17th-century European travelogues as documented and described by Gitanjali Shahani (*Tasting Difference: Food, Race, and Cultural Encounters in Early Modern Literature.* Ithaca: Cornell University Press, 2020). Shahani makes the helpful observation, "Disgust is a process of turning away from an object, but one that is occasioned by our proximity to it in the first place. It thus becomes an especially powerful feeling in the contact zone where it is provoked by the traveler's fascination with the seemingly inedible precisely because it is, in fact, edible for another. The expression of disgust becomes a moment of disavowing the instinct that says "you want me." Its performance becomes the most powerful mode of signaling that which is irresolutely other, that which cannot be absorbed, assimilated, or digested. It is a moment of severing any proximity to that other" (*Tasting Difference*, 110).

To anticipate findings discussed below, this list of seven disgust elicitors should sound quite familiar to students of impurity in the Hebrew Bible: 1-2) Food and Animals (cf. Lev 11:1-47; Deut 14:1-20); 3) Body Products (cf. Lev 15:1-33; Deut 23:10-14); 4) Sexual Deviance (cf. Lev 18:6-23); 5) Body envelope violations (cf. Lev 12:1-5; 13:1-46); 6) Poor hygiene (cf. Lev 13:37-59?); 7) Contact with death (cf. Num 5:2-3; 19:11-22; Deut 14:21).

[78] "Disgust," 643.

> Many Americans show some reluctance to wear clothing that was previously worn by a healthy stranger. This reluctance might at first seem to be based on a concern about body products, since used clothing may contain sweat or hair from the stranger. Yet the reluctance decreases only slightly when the article of clothing is laundered. More importantly, this reluctance is highly contingent on the nature of the stranger. If the stranger committed a murder, or lost a leg in a car accident, the reluctance increases. If the stranger was Adolph Hitler, the reluctance increases even more. If the clothing was worn by a desirable or well-liked person, the reluctance may reverse. These findings demonstrate the operation of contagion in the interpersonal domain.[79]

Even when other people bear no apparent signs of biological danger (such as obvious signs of sickness or being stained with contaminants) they may generate revulsion.[80] The offending individual may not be biologically dangerous, but his or her "otherness" poses a potential threat. Such disgust reactions give the individual a sense that the self is somehow less offensive than the "disgusting" other. The emotion of disgust, by marking outsiders as unapproachable impairs the observer's ability to imagine new perspectives and derive value from the contributions of outgroup members. Disgust generates a "credibility deficit" that eliminates any need to take the opinions, values, or norms of others seriously.[81] This disgust response reinforces social

[79] Haidt et al., "Body, Psyche, and Culture: The Relationship between Disgust and Morality," 115-116. The studies to which the authors refer can be found in Paul Rozin, L. Millman, and C. Nemeroff, "Operation of the Laws of Sympathetic Magic in Disgust and Other Domains," *Journal of Personality and Social Psychology* 50 (1986): 703-712; Paul Rozin, C. Nemeroff, M. Wane, and A. Sherrod, "Operation of the Sympathetic Magical Law of Contagion in Interpersonal Attitudes Among Americans," *Bulletin of the Psychonomic Society* 27 (1989): 367-370; C. Nemeroff and Paul Rozin, "Sympathetic Magical Beliefs and Kosher Dietary Practice: The Interaction of Rules and Feelings," *Ethos: The Journal of Psychological Anthropology* 20 (1992): 96-115.

[80] Stephen Reicher and colleagues have demonstrated that these disgust responses are attenuated by ingroup relations. "The attenuation of disgust arises out of the sense that ingroup members are less 'other' and facilitates harmonious interactions with them." Stephen Reicher, et al., "Core Disgust is Attenuated by Ingroup Relations," *Proceedings of the National Academy of Sciences of the United States of America* 113/10 (2016): 2634.

[81] See Vilde Lid Aavitsland, "The Failure of Judgment: Disgust in Arendt's Theory of Political Judgment," *The Journal of Speculative Philosophy* 33/3 (2019): 544; Scott Clifford and Jennifer Jerit, "Disgust, Anxiety, and Political Learning in the Face of Threat," *American Journal of Political Science* 62/2 (2018): 266-267.

boundaries and hierarchies in units as small as the family and as broad as nations.[82] At its most dangerous and troubling level, disgust functions as one of the most prominent emotions (the other being fear) in ethnocentrism, xenophobia, and prejudice. The emotion enables individuals to dehumanize outsiders and disregard their needs and values.[83]

Finally, and of great importance for the material in this dissertation, disgust also manifests as a response to morally offensive behavior. This emotion, which "began" as a food rejection system (evidenced by the "disgust face" and experience of nausea) developed into a tool that humans could use to reject offensive behavior. Haidt and colleagues observe, "Human societies… need to reject many things, including sexual and social 'deviants.' Core disgust may have been preadapted as a rejection system, easily harnessed to other kinds of rejection."[84] Thus, when individuals hear of morally repugnant offenses such as child sexual abuse, gruesome murders, and even some financial or political crimes they respond by identifying such wrongs as "disgusting" or state that hearing these things makes them "nauseous."[85] Scholars have even

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[82] See Hodson and Costello, "Interpersonal Disgust, Ideological Orientations, and Dehumanization as Predictors of Intergroup Attitudes," 692. Hodson and Costello further note that disgust responses toward other individuals predict prejudices against their social groups as a means of protecting the purity of the self and the social order. Ibid., 696.

[83] Danielly Kelly cites troubling experimental research to this effect: "Neuroimaging research has recently begun to fill in some of the relevant details. Not only has it confirmed the link between the most intense forms of prejudice and the brain areas associated with disgust, but it also confirms the correlation between disgust and dehumanization: only in cases of prejudice where disgust was the accompanying emotion did the higher brain areas associated with agency and interaction with other people (the medial prefrontal cortex, or mPFC) fail to activate. In other words, when an out-group member is disgusting, he or she is often not even cognized as a person." *Yuck!*, 125.

[84] Haidt et al., "Body, Psyche, and Culture: The Relationship between Disgust and Morality," 124. H. A. Chapman and colleagues similarly observe, "Disgust is a somewhat surprising candidate for a moral emotion, given its hypothesized origins in the very concrete, nonsocial, and straightforwardly adaptive functions of rejecting toxic or contaminated food and avoiding disease. In the moral domain, this rejection impulse might have been co-opted to promote withdrawal from transgressors or even from the thought of committing a transgression." H. A. Chapmen et al., "In Bad Taste: Evidence for the Oral Origins of Moral Disgust," *Science* 323/5918 (2009): 1222.

[85] Psychologists have debated whether this "moral disgust" is a true expression of the emotion or a mere linguistic expression of disgust applied to other emotions, particularly anger. See, for example, Rachel Herz and Alden Hinds, "Stealing is not Gross: Language Distinguishes Visceral Disgust from Moral Violations," *The American Journal of Psychology* 126/3 (2013): 275-286. Note, however, that Herz and Hinds focus their work on "autonomy violations"

discovered that experiencing a "disgusting" (bitter) taste while making moral judgments leads subjects to experience a greater degree of moral disgust than others who experience a sweet or neutral flavor.[86] This research demonstrates "how abstract concepts like morality could originate from sensory experiences and how intuitions and feelings play fundamental roles in moral processing."[87] Disgust effectively targets moral norms and social behaviors because those practices are especially shareable between individuals. Just as particles from rotten food or diseased flesh could be passed from one individual to another, so also can social practices be transferred easily.[88] Disgust then enables the individual to innately identify culturally "undesirable" behaviors without requiring extended reflection. Though its objects may differ from one culture to another, and even across time within a single culture, moral disgust plays a major role in many human societies.[89] It serves the role of policing society and marking off

(specifically theft) as opposed to other moral violations generally viewed as unacceptable because they transgress social norms without impinging on another person's autonomy (e.g., bestiality and other "aberrant" sexual practices). Herz and Hinds even admit, "It has been shown that when moral violations contain visceral disgust triggers, greater disgust sensitivity is related to greater moral condemnation. By contrast, we examined only moral transgressions that were non-visceral." Ibid., 282. These findings cohere with the conclusion of Rozin, Haidt, and McCauley: "It is our guess that moral offenses involving some reminder of our animal nature (e.g., sex and gore) are more likely to be labeled 'disgusting' than are offenses that don't involve bodily issues (e.g., fraud)." "Disgust," 643.

[86] Researchers have even demonstrated that the facial expression of core disgust and moral disgust is identical. See Chapman et al., "In Bad Taste," 1225.

[87] Kendall Eskine et al., "A Bad Taste in the Mouth: Gustatory Disgust Influences Moral Judgment," *Psychological Science* 23/3 (2011): 298; see more generally 295-299.

[88] See William Fischer, "Disgust as Heuristic," *Ethical Theory and Moral Practice* 19/3 (2016): 682.

[89] Whether or not moral disgust *ought to* play a role in society is a major question that has been taken up by legal scholars, political theorists, and moral philosophers in recent years. The general division that has arisen is that between disgust advocates, who view disgust as a reliable guide to moral behavior, and disgust skeptics, who question the validity or trustworthiness of our disgust response for moral judgment. Among the most notable disgust advocates is Leon Kass, who urges reliance on disgust as a guide in bioethical issues such as human cloning. (See Leon Kass, "The Wisdom of Repugnance." *New Republic* 210/22 [1997]: 17-26.) Martha Nussbaum has offered one of the most extensive arguments against the usefulness of disgust in her *Hiding from Humanity: Disgust Shame and the Law* (Princeton: Princeton University Press, 2004). Nussbaum particularly fears the potential of disgust (and shame) to serve the agenda of those who wish to dominate subordinate groups. For further discussion and

certain behaviors as unacceptable. To root these cultural norms in emotion spares society the need to justify them logically, an exercise that can often prove quite challenging.[90]

1.2.2 Disgust in Recent Studies of Biblical Impurity

The recent explosion of psychological research into disgust has sparked new developments in biblical impurity research as well. Two scholars specifically, Yitzhaq Feder and Thomas Kazen, have successfully incorporated psychological theories of disgust into an account of ancient Israel's purity beliefs. These researchers contend that disgust explains the diverse array of potential pollutants in the Hebrew Bible far better than any symbolic or ideological system. Israel's purity beliefs cover a broad spectrum, from taboos against certain foods, diseases, and bodily fluids, to concerns with bloodguilt, sexual misconduct, and separation from foreigners. Yet, in every case, these scholars contend that biblical impurity should be associated with a disgust response. This link between disgust and impurity appears consistently in the land defilement texts I discuss in the following chapters. In each case, we find the biblical writers using disgust at land-defiling offenses as a tool for shaping social norms and expectations. In the following pages, I first discuss the developing theoretical approaches to impurity in the Bible that depend on the emotion of disgust and how such interpretations diverge from prior scholarship on impurity. Then, I demonstrate how these scholars connect disgust to specific

development of these debates see Fischer, "Disgust as Heuristic," 679-693; Ditte Munch-Jurišić, "Perpetrator Abhorrence: Disgust as a Stop Sign," *Metaphilosophy* 45/2 (2014): 270-287.

[90] See Jonathan Haidt, "The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment," *Psychological Review* 108/4 (2001): 814-834.

sources of impurity in the Bible: so-called "ritual" pollutants, bloodguilt, sexual violations, and engagement with foreign individuals and cults.

The incorporation of disgust into impurity research has emerged in large part due to scholars' dissatisfaction with symbolic interpretations of this material. Symbolic approaches to impurity, such as Mary Douglas's theory of impurity as "matter out of place" suggest that behaviors regarding (im)purity depend on pre-existing belief structures. These beliefs concerning the "proper" condition and behavior of persons and objects then give rise to the behaviors and customs associated with defilement and purification. Yet, scholars cannot explain how these belief systems emerged in ancient Israel (or other cultures).[91] In fact, symbolic approaches to biblical impurity tend to give so much attention to the particulars of Israelite culture that they fail to recognize the remarkable overlap between Israelite impurity concerns and those of other societies. As Feder observes,

> [Mary Douglas] fails to offer a convincing explanation for the *emergence* of purity behavior. Ironically, despite being the first serious cross-cultural account of this topic, Douglas' emphasis on the role of cultural context led to a particularistic focus that all but ignored its universal aspects, failing to address the high level of cross-cultural uniformity in the material causes of pollution, such as bodily fluids, disease, death, and decomposition.[92]

[91] Unfortunately, in working with an ancient culture like Israel, we do not have access to the cultural norms of everyday life. The texts that we do have grant us some insight into the views held by some, but even so the authors of the Hebrew Bible may have been just a small, elite minority whose perspectives did not cohere with those held by the population at large. Yitzhaq Feder observes, "Despite eloquent arguments for "symbolic patterns" in which the human body represents the body politic of the society, Douglas failed to offer any explanation for how such a sophisticated metaphoric mapping could unconsciously emerge." "Defilement and Moral Discourse in the Hebrew Bible: An Evolutionary Framework," *Journal of Cognitive Historiography* 3 (2016): 173. See also Yitzhaq Feder, "Contagion and Cognition: Bodily Experience and the Conceptualization of Pollution in the Hebrew Bible," *JNES* 72/2 (2013): 154; Thomas Kazen, "The Role of Disgust in Priestly Purity Law: Insights from Conceptual Metaphor and Blending Theories," *Journal of Law, Religion and State* 3 (2014): 63.

[92] Feder, "Defilement and Moral Discourse in the Hebrew Bible," 159.

Others have even critiqued symbolic approaches as essentially "tautologies": "If something pollutes, it doesn't fit; if it doesn't pollute, it does fit. We then can only pretend to get at the structure through the very thing we need the structure to explain."[93] The symbolic aspects of impurity, with their origins in belief systems and theological/cultural rationales may play a real role in societies, but they cannot explain the emergence of such beliefs in the first place.

Scholars who have developed theories of impurity based on disgust contend that Israel's behaviors preceded their impurity beliefs. Disgust, as a barrier emotion, protects individuals and societies from potential contagions. Premodern societies, while aware of contagious illnesses, did not have a biological explanation for pathogen spread. Instead, they relied on pollution beliefs.[94] Speaking specifically of Israel's impurity system, Feder observes:

> The function of pollution beliefs as folk theories of infectious disease shows how they are rooted in affective response [i.e., disgust] but also shaped by experience and cultural transmission. The biblical concept *ṭum'ah* ["impurity"] offers a salient example of this close relationship between pollution and infection. This invisible force was conceptualized variously, based on models rooted in embodied experience. For genital diseases, it was spread like a stain, while corpse impurity spread like a noxious gas.[95]

Ancient Israel, like many other cultures, took basic biologically motivated behaviors, such as the avoidance of disease, and built them into a theological system of impurity. These pollution

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[93] Miller, *The Anatomy of Disgust*, 44.

[94] Yitzhaq Feder notes that the Mari letters provide us with some of the earliest evidence of contagion awareness. During the epidemic(s) that occurred in the reigns of Zimri-Lim and Yasmaḫ-Addu, the response to the plague involved such behaviors as quarantining individuals and removing persons from affected cities *en masse*. See Feder, "Contagion and Cognition," 158. See also Jean-Marie Durand, "Trois études sur Mari," *MARI* 3 (1984): 143-149; Edward Neufeld, "The Earliest Document of a Case of Contagious Disease in Mesopotamia (Mari Tablet *ARM* X, 129)," *JANES* 18 (1986): 53-66; W. Farber, "How to Marry a Disease: Epidemics, Contagion, and a Magic Ritual against the 'Hand of a Ghost,'" in *Magic and Rationality in Ancient Near Eastern and Graeco-Roman Medicine*, edd. H. F. J. Horstmanschoff and M. Stol (Leiden: Brill, 2004), 119-122.

[95] Feder, "Defilement and Moral Discourse in the Hebrew Bible," 160.

beliefs, though originally rooted in biological evolution, continued to take shape through the evolution of culture, which saw fit to apply similar categories to other, non-pathogenic, social threats such as foreigners and immoral behavior.[96] In each case, the potential pollutant bears a negative quality that transmits something of itself on contact with another entity (much like modern germ theory): a garment stained with menstrual blood pollutes an individual who touches it (cf. Lev 15:20-22); a house with a corpse inside it defiles any who enter (Num 19:14-15); a foreigner who enters Israelite society through intermarriage pollutes the entire community (cf. Ezra 9-10).[97] This theologization of disgust reaches its apex in the disgust that Yahweh himself experiences toward polluting behaviors (cf. Lev 20:23). Of course, ancient Israelite pollution beliefs were highly complex, and each category of defiling substances bears its own unique manifestation of disgust. In the following paragraphs, we explore how disgust appears in "ritual" impurities, bloodguilt, sexual misdeeds, and the worship of foreign deities.

Ritual pollutants consistently receive significant attention in discussions of biblical impurity, but these inquiries have only recently begun to uncover the important component of disgust involved in these beliefs. When we speak of ritual pollutants, we mean those defilements that could be remedied by ritual means and were directly related to the cult.[98] These ritual pollutants focus primarily on physiological threats such as disease and unwholesome food, one

[96] See Kazen, "The Role of Disgust in Priestly Purity Law," 92. Thomas Staubli notes that disgust, while often antecedent to propositional reasoning, may also come about as a consequence of certain moral beliefs. For example, he notes that modern moral vegetarians develop a disgust response toward meat as a result of their moral convictions, not vice versa. See Thomas Staubli, "Disgusting Deeds and Disgusting Gods: Ethnic and Ethical Constructions of Disgust in the Hebrew Bible," *HeBAI* 6 (2017): 458.

[97] See Eve Levavi Feinstein, *Sexual Pollution in the Hebrew Bible* (Oxford: Oxford University Press, 2014), 24.

[98] See Feder, "Defilement and Moral Discourse in the Hebrew Bible," 166.

of the key domains of core disgust.[99] As a result, Feder contends that these ritual pollution beliefs are "historically primary, whereas notions of pollution focusing on social and religious boundaries are secondary derivatives."[100] In the descriptions of such ritual impurity throughout the Hebrew Bible, we find repeated expressions of revulsion toward potential contagions.

For example, when we consider the dietary laws (cf. Lev 11; Deut 14), the term *šeqeṣ* is repeatedly applied to the "swarmers" (*šereṣ*) of the waters, earth, and air as well as to birds of prey (cf. Lev 11:10-13, 20, 23, 41-43; 20:25).[101] Though the etymology of *šeqeṣ* remains unclear, scholars agree that the term carries overtones of revulsion (note the NRSV translation "detestable").[102] Kazen suggests that swarming creatures were specifically identified as disgusting because they "represent a combination of decayed life and exaggerated fertility that has been observed to cause disgust and make humans feel uneasy." Birds of prey, on the other hand, associate with the bodies of dead and decomposing animals, evoking revulsion in humans at the thought of any contact with them.[103]

Likewise, in purity regulations regarding the human body, we find indications that Israelites viewed defiled bodies as disgusting. For example, the skin disease(s) described as *ṣara'at* (traditionally translated as "leprosy") were perceived as repulsive. Those afflicted with

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[99] One fascinating case of potential defilement through food appears in a late text outside the Priestly literature. When Daniel is brought into the Babylonian court, he refuses the king's food and wine so that he does not "defile himself" (*yitgā'al*, Dan 1:8). The author gives no indication that these foods were in violation of Jewish dietary restrictions. Instead, Daniel rejects the king's food for what appear to be socio-cultural reasons (refusing to participate fully in the Babylonian court and accept the "patronage" of Nebuchadnezzar).

[100] Feder, "Defilement and Moral Discourse in the Hebrew Bible," 165.

[101] Note that Deut 14 uses the term *tô'ēbâ* "abomination" for these prohibited animal foods.

[102] See HALOT, s.v. שׁקץ; TDOT, s.v. שׁקץ, שֶׁקֶץ, שִׁקּוּץ.

[103] See Kazen, *Emotions in Biblical Law*, HBM 36 (Sheffield: Sheffield Phoenix Press, 2011), 80.

the condition were removed from the community at a physical distance. In fact, when Miriam is afflicted with *ṣara'at* in the wilderness, Aaron describes her as "a dead person, half of whose flesh is eaten away when [she] comes out of [her] mother's womb" (Num 12:12), clearly a repulsive image. The disease emits deep shame; Miriam is like one whose father spits in her face (Num 12:14; cf. Deut 25:9; Isa 50:6).[104] Similarly, though it may seem surprising to modern readers, menstrual blood evokes revulsion in Israel. While the original physical stain functions as a potent contagion to be avoided (cf. Lev 15:19-24), the impurity of menstruation (*niddâ*) acquires a sense of general revulsion in later literature.[105] The male, priestly writers regard this discharge as not merely defiling (as they regard also male emissions of semen), but actually repulsive. Books like Ezekiel, Lamentations, and Ezra-Nehemiah use the term *niddâ* to mark certain individuals or behaviors as abhorrent. So, Lam 1:17, in describing Jerusalem as an object of reproach, compares the city to a menstruating woman, spurned by all around her. Or in Ezek 36:17, Israel's land-defiling deeds are compared to the "impurity of a menstruating woman."[106] In these texts, *niddâ* becomes a generalized term for impurity and immorality. Menstrual language thus serves as strong emotive language for demarcating behaviors as repulsive or unwelcome.[107] The biblical authors regard impurities of the body (especially the female body) as

[104] Note that spitting, while typically regarded as a shaming act, was viewed as a healing force in some ancient Egyptian magical practices. Spittle could transfer power and thus result in a blessing or a curse on the recipient. For discussion see Robert Ritner, *The Mechanics of Ancient Egyptian Magical Practice*, SAOC 54 (Chicago: The Oriental Institute of the University of Chicago, 1993), 74-88. The positive valence of spitting continues into the New Testament, where we see Jesus use spittle in the process of healing the blind and deaf (cf. Mark 7:31-36; 8:22-26; John 9:6).

[105] For a thorough discussion of female impurity in the Hebrew Bible and later Judaism see Tirzah Meacham, "Female Purity (Niddah)," *Jewish Women: A Comprehensive Historical Encyclopedia,* 27 February 2009, *Jewish Women's Archive* (Viewed on 29 March 2021), https://jwa.org/encyclopedia/article/female-purity-niddah.

[106] See also Ezra 9:11; 2 Chr 29:5; Lam 1:8 17; Zech 13:1.

[107] See Kazen, *Emotions in Biblical Law*, 84.

abhorrent and dangerous. While some of these impurities are entirely normal processes in life (such as menstruation) they evoke a sense of disgust and become vehicles for the expression of social values and emotions.

Like some ritual impurities, bloodguilt also begins with a shedding of bodily fluids that provokes a response of apprehension and concern in its audience. Murder requires the perpetrator to come into contact with spilled blood and a dead body, two foundational disgust elicitors. Feder has observed that ancient Israelites developed a sense of bloodguilt as impurity by merging the physical stain of bloodshed with the invisible moral "taint" of bloodguilt that adheres to an individual.[108] An act of murder or manslaughter typically results in shedding the victim's blood, but this spilled blood does not adhere to the offender in perpetuity. In fact, we would expect a murderer (and perhaps also a manslayer) to wash away this stain as quickly as possible. Nevertheless, even if the physical stain is washed away, a killer incurs a "blood-debt" that must be paid lest the community suffer divine retribution (cf. Deut 21:1-9; 2 Sam 21:1-14). In some sources, this legal/moral guilt is conceptualized as a pollutant, a "blood stain" that clings to the perpetrator's body and defiles the land (cf. Num 35:33-34; see also Ezek 22:3-4; 36:18). Feder observes, "The blood spilled is merely the perceptible aspect of a deed which has unseen, yet nevertheless inevitable, ramifications ."[109] The physical spillage of blood, a defiling bodily fluid, paves the way for blood guilt to be apprehended as a kind of pollution. And this pollution bears consequences not just for the perpetrator, who is defiled by his deed, but also for the entire land

[108] See Feder, "Contagion and Cognition," 164; idem, "Defilement and Moral Discourse in the Hebrew Bible," 168.

[109] "Contagion and Cognition." 164.

of Israel. Left unaddressed, the territory of Israel would remain in an impure state, an unthinkable outcome for the biblical authors (cf. Num 35:34; Ezek 36:17-18).

The link between bodily fluids, emotion, and impurity grows even stronger when the biblical writers describe sexual misdeeds as polluting. As with illicit bloodshed, sexual offenses (such as adultery, incest, or bestiality) also entail contact with bodily fluids that were typically regarded as disgusting. Note how, even aside from the stain of sexual transgression, the priestly writers regard male emissions as ritually polluting. This defiling effect transpires in all sexual intercourse both licit and illicit (Lev 15:16-18). Yet, the authors of the Hebrew Bible are concerned with more than the ritual consequences of Israel's sexual behavior. They attach great moral significance to sexual pairings, carefully policing the boundaries of acceptable sexual behavior. Yet, when prohibiting particular sexual activity, the biblical authors never offer a logical rationale for their assertions.[110] The closest thing one finds to any logical support for prohibitions against sex is the claim that sexual misconduct defiles the offender and the land of Israel (cf. Lev 18:24-30; Num 5:11-31; Deut 24:4; Jer 3:1). By generating a theory of sexual defilement, the authors of the Hebrew Bible are able to evoke a sense of disgust at prohibited behaviors. Eve Feinstein observes:

> Because of the desirability of sex, the inherent allure of taboo, and individual variations in sexual preference, sexual mores are particularly difficult to police. Associating problematic sexual relations with disgust and pollution overcomes

[110] One could contrast the typical approach of a modern high school health teacher, who would inform students about the dangers of sexually transmitted disease, unwanted pregnancy, and the potential emotional costs. The absence of logical rationale in the biblical texts may support David Hume's theory of moral intuitions developed by modern moral psychologists (e.g., Jonathan Haidt) and philosophers (e.g., Jesse Prinz and Oliver Curry). These scholars contend that moral justifications emerge out of our moral intuitions rooted in emotional reactions to human behavior. See Jonathan Haidt, *The Righteous Mind: Why Good People are Divided by Politics and Religion* (New York: Pantheon, 2012); Jesse Prinz, *The Emotional Construction of Morals* (Oxford: Oxford University Press, 2007); Oliver Curry, "Who's Afraid of the Naturalistic Fallacy?" *Evolutionary Psychology* 4 (2006): 234-247. See also Feder, "Defilement and Moral Discourse in the Hebrew Bible," 169.

> these barriers by transforming a potential object of desire into an object of revulsion.[111]

By synthesizing the embodied stain of sexual activity, the moral intuitions of (at least some) Israelites, and the emotion of disgust, the biblical writers were able to generate a theory of sexual pollution that appears repeatedly in diverse parts of the Hebrew Bible. Just as with bloodguilt, sexual transgression adheres to the perpetrator and the land of Israel.[112] Disgust underpins this theological reflection on sexual misconduct and serves the purposes of the biblical writers by shaping the attitudes of their audience. Revulsion toward prohibited offenses should (in the view of the biblical writers at least) generate increasing conformity with the desired sexual norms.

Finally, disgust has informed not only those defilements in the Hebrew Bible that can be associated with a physical stain, but also the polluting potential of foreign persons and cults. In these domains, purity becomes a tool for the authors of the Hebrew Bible to police the borders of Israelite society. Disgust, an emotion "designed" to guard the body from dangerous contagions, serves here to protect the social body from external "threats."[113] Thus, we find a consistent opposition to intermarriage between Israelites and the surrounding populations in Ezra-Nehemiah (cf. Ezra 9-10; Neh 13). As noted above, disgust frequently motivates individuals to avoid contact with those they consider "outsiders." For example, one might consider sharing a drinking glass with a stranger to be quite repulsive, while sharing a glass with a family member or close friend is perfectly acceptable. This view of others as potentially dangerous can shape social norms and boundaries in powerful ways. The authors of Ezra-Nehemiah, aware of the

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[111] Feinstein, *Sexual Pollution in the Hebrew Bible*, 38.

[112] See Feder, "Contagion and Cognition," 165.

[113] See Kazen, *Emotions in Biblical Law*, 87, 124; Mary Douglas, *Purity and Danger*, 131-133.

power of disgust and defilement, thus developed a sense of Israelite ethnicity as essentially pure.[114] In their perspective, intermarrying with the surrounding nations introduced pollution into the population and their land (cf. Ezra 9:1-2, 11-12).

Likewise, numerous biblical sources mark foreign cults as potential sources of pollution. The biblical authors strengthen the association between idolatry and defilement by utilizing the metaphor of adultery. Israel's worship of foreign gods is viewed as a kind of promiscuous behavior, an act of faithlessness toward Yahweh.[115] Yitzhaq Feder notes, "The result of this metaphor is to transfer the disgust and shame associated with sexual promiscuity to the religious domain."[116] Thus, the worship of foreign deities comes to be characterized as another kind of pollution just like the sexual defilement discussed above. The writers of the Hebrew Bible characterize these "unorthodox" cults as repulsive, dangerous, and "non-Israelite." The use of emotional rhetoric and conceptions of pollution together serve to advance the social agenda of the biblical writers. Here again, the biblical authors claim that participation in non-Israelite religious practices defiles both the sinner and the land of Israel (cf. Jer 2:1-3:4; Ezek 36:17-18).

In this brief summary of recent impurity research, we have seen how disgust plays an important role in Israelite attitudes toward pollution. These findings prove quite significant for the analysis of land defilement in the Hebrew Bible because the full scope of these findings has not been applied to land-defilement texts in the academic literature. Those offenses that typically defile the land (bloodshed, sexual offenses, and idolatry) all bear an intimate connection to

[114] Of course, all Israelites would become ritually impure in the ordinary course of life through genital discharges, corpse contact, and other ordinary events in the life cycle. But, for the writers of Ezra-Nehemiah, the people of Israel were essentially pure vis-à-vis non-Israelite outsiders who could contaminate the population through intermarriage.

[115] See, for example, Hos 5:3; 6:10; Jer 2:1-3:4; Ezek 23.

[116] Feder, "Defilement and Moral Discourse in the Hebrew Bible," 171.

physical revulsion and concerns with contamination. Yet, in each case, the contagion unleashed by these prohibited behaviors clings not just to the perpetrator, but to the land of Israel itself as a passive object. Thus, society as a whole bears the consequences of land-defiling behaviors.

In the chapters to follow, I examine the social consequences (and uses) of land defilement throughout the Hebrew Bible as they appear in the opinions and attitudes of diverse biblical writers. This study fills a gap in the academic literature by examing the full range of texts in which land defilement appears in the Hebrew Bible. These texts together reveal several important features about law and ritual in the Hebrew Bible. First, land defilement texts frequently blur together what contemporary biblical scholars describe as "law" and "ritual." The frequent interchange and overlap of these two social domains suggests that these etic categories (which have their own utility in our study of the Hebrew Bible) do not fully capture the social structures of ancient Israel. Second, the frequent use of disgust in land-defilement literature demonstrates how biblical writers employ these texts to construct specific social norms. Whether or not the biblical writers represent the cultural values of the majority of ancient Israelites, their approach to land defilement presents particular behaviors as normal and accepted and any divergence from them as abhorrent, reprehensible, and fundamentally "non-Israelite." The land-defilement texts of the Hebrew Bible demonstrate a substantial cluster of disgust-related language. In the chapters that follow I explain why this language is used. Third, these land defilement texts reveal a remarkable inner-biblical dialogue. While I do not explore the precise diachronic relationships between the various biblical texts treated here (an endeavor that could easily have doubled the length of this work!), I do demonstrate that land defilement was a

concern shared by a concert of ancient Israɛlite writers.[117] The biblical authors never treat land defilement as the major theme of their texts; it appears only in the occasional passage throughout the Hebrew Bible. Yet, these occasional occurrences display a remarkable coherence in their language, ideology, and social uses. Thus, these land defilement texts together reveal new insights into the relationship of law and ritual, the social aims of biblical authors, and some shared cultural beliefs in ancient Israel.

[117] Biblical scholars still fail to agree about the precise dating of the texts treated in this dissertation, especially the Priestly literature treated in Chapter 2. Broadly speaking, scholars agree that Deuteronomy (discussed in Chapter 3) dates to late in the Judahite monarchy, perhaps the mid-late seventh century. The books of Jeremiah and Ezekiel (treated in Chapters 4-5) reflect an exilic setting, though scholars suggest that the composition of these books extended over substantial periods of time, even into the post-exilic period. Ezra-Nehemiah, the subject of Chapter 6, clearly dates to the post-exilic period. The content of the book addresses the experience of return Judahite exiles in the Persian period, though the final form of the book may well date to later in the 4th century (note also the continued editing of this book reflected in the Hellenistic works of 1 and 2 Esdras). The Priestly materials treated in Chapter 2 have continued to be the most challenging texts to date in this corpus, with some scholars contending that they date to (or at least reflect) the pre-exilic period and others pushing their date of composition as far back as the Persian period. For examples of arguments for P's early date see Jacob Milgrom, *Leviticus 1-16*, 3-34; Avi Hurvitz, "The Evidence of Language in Dating the Priestly Code: A Linguistic Study in Technical Idioms and Terminology," *RB* 81/1 (1947), 24-56; idem, "The Language of the Priestly Sources and Its Historical Setting: The Case for an Early Date," *Proceedings of the World Congress of Jewish Studies* (1981), 83-94. For one example of a scholar who dates P (or at least an early form of it) to the exilic period, see David Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (Oxford: Oxford University Press, 2011), 297-298. Other scholars favor a post-exilic dating of P. For example, see Joseph Blenkinsopp, "An Assessment of the Alleged Pre-Exilic Date of the Priestly Material in the Pentateuch," *ZAW* 108/4 (1996), 495-518; Erhard Blum, *Studien zur Komposition des Pentateuch* (Berlin: de Gruyter, 2011), 319-360.

In the following chapters, I avoid relying on the precise dating of biblical texts where debate continues. Thus, some of my arguments regarding land defilement are not related to specific historical settings, but those who are interested in precisely dating and situating these texts can apply these findings with greater specificity to those purported contexts.

Chapter Two

"You Shall Not Defile the Land in the Midst of Which I Dwell" The Defilement of the Land in Priestly Literature

Two priestly Pentateuchal texts explicitly concern themselves with the defilement of the land of Israel: Leviticus 18 and Numbers 35:9-34.[1] Despite this shared interest in the land's defilement, each passage identifies a different potential pollutant of Israel's territory. Leviticus 18 meticulously catalogs a list of sexual offenses that defile the land. The legislator urges Israel to avoid these behaviors lest the land become polluted and expel its inhabitants. Quite differently, Numbers 35:9-34 describes the system of asylum cities to which the accidental manslayer could flee. Here, the text warns against the dangers of polluting the land through unavenged bloodshed. Both these texts unambiguously describe the land of Israel as a place that could become polluted through the actions of its inhabitants.

Somewhat less clear in this regard is Lev 19:29. This text warns against prostituting one's daughter and thereby "causing the land to commit fornication and become filled with licentiousness." Unlike Lev 18 and Numbers 35:9-34, this text does not utilize technical impurity language. Nevertheless, the verse resonates with several features found in other land defilement

[1] The biblical writers never explicitly define the boundaries of the land in the texts treated in this dissertation. That said, these authors demonstrate a common sense that the land of Canaan, which was considered a gift from Yahweh to his people, had the unique potential to be defiled by the behavior of its inhabitants. Numerous biblical sources define the boundaries of Canaan with varying degrees of detail (see e.g., Gen 15:18; Ex 23:31; Num 34:1-12; Deut 11:24; Josh 1:4; Ezek 47:15-23). It is only this land, the unique possession of Israel, that could become impure through the behavior of its inhabitants (cf. Andrea Allgood, "Foreign Lands − Multiple Perspectives: Foreign Land Impurity in the Hebrew Bible, its Context, and its Ideological Underpinnings," [Ph.D. diss., Brown University, 2014], 262). The two potential exceptions to this claim, Josh 22:19 and Amos 7:17, do not concern defilement of territory on account of its inhabitants' behavior. Rather, these two texts regard foreign territory as impure because of specific ritual violations related to priestly practice and cultic activity (cf. Allgood, idem, 384-385).

texts: sexual sin has an adverse impact on the land, the land is personified, the personified land commits transgression itself, and the land is filled with an undesirable substance.

In the discussion that follows I treat these three passages in their canonical sequence.[2] First, I demonstrate that the pollution of the land in Lev 18 is the result of a wide array of sexual (and some other) misconduct. Particularly important is how this text emphasizes the disgusting and repulsive nature of such land-defiling offenses through strong terms of reprehension and personification of the land itself. Second, I discuss Lev 19:29 and demonstrate how this text reflects a number of features associated with land-defilement found in Lev 18. While very suggestive, this verse reveals relatively little about priestly conceptions of the land's defilement since it is so terse. Third, I explore the defiling force of bloodshed in Num 35:9-34, demonstrating how the legislators of this text have used ritual conceptions of defilement and purification to resolve the legal dilemma of manslaughter and encourage Israel toward diligent observance of the the biblical editor's regulations.

2.1 Leviticus 18

Leviticus 18 portrays the defilement of the land as the result of Israel's committing any misdeed found in the chapter's long and detailed list. Sexual sins predominate this collection of land-defiling deeds, but not to the exclusion of other offenses. The author of Lev 18 marks each of these transgressions as egregious and even repulsive. Thus, the land is not defiled by Israel's

[2] The potential diachronic relationship among these texts (all of which belong to H material) does not impact the findings in this dissertation, so I am not devoting attention to diachronic matters here (though see section 2.1.2 on the relationship of Leviticus 18 and 20).

ordinary moral failings, but by serious transgressions of social boundaries that threaten the community's coherence.

In the discussion that follows, I begin by outlining the contents of Lev 18. In doing so, I demonstrate the relationship of Lev 18:24-30, which explicitly describes the defilement of the land, to the remainder of the chapter. Here, I note that the legislator defines each item in this list of land-defiling offenses as foreign (specifically, Egyptian and Canaanite). After describing the land-defiling offenses of Lev 18, I compare this chapter with Lev 20, which shares a similar structure and contents. In making this comparison, I aim to determine whether Lev 20 should be read as a parallel passage also describing the land's defilement. I conclude that the author/editor of Lev 18-20 intentionally constructed Lev 18 and 20 as parallel texts, both describing the defilement of the land. As a result, those offenses included in Lev 20 that are absent from Lev 18 should be added to the list of potentially land-defiling transgressions. Finally, having gathered a complete list of land-defiling sins in Lev 18 and 20, I explain how the author strives to curb these behaviors. First, the author describes land-defiling offenses as disgusting and repulsive. The author advances the legal concerns of Lev 18 and 20, especially the governance of sexual morality, through an appeal to the emotions. Second, the author describes land-defiling offenses as dangerous because the defilement they cause eventually results in exile. Thus, disgust and defilement in Lev 18 (and 20) together support and advance the editor's cultural concerns.

2.1.1 Outline and Summary of Leviticus 18

Leviticus 18 is a unified composition consisting of a parenetic frame in 18:1-5, 24-30 and a series of laws in vv. 6-23.[3] The initial exhortation (18:1-5) emphatically dissuades the Israelites from imitating the behavior of the Egyptians and Canaanites.[4] They must not act according to the behavior of these nations (*kĕma'ăśê 'ereṣ miṣrayim/kĕna'an lō' ta'ăśû*, 18:3) nor should they walk in their statutes (*ûbĕḥuqqōtêhem lō' tēlēkû*, 18:3). To the contrary, the Israelites must submit themselves to Yahweh's law. The clear contrast between these two systems of behavior is highlighted through the use of identical vocabulary in Lev 18:3-4. Instead of conducting themselves like the nations, they should perform Yahweh's judgments (*'et mišpāṭay* <u>*ta'ăśû*</u>, 18:4), and instead of walking in the statutes of the nations, they should keep Yahweh's statutes (*'et* <u>*ḥuqqōtay*</u> *tišmĕrû*, 18:4). Thus, the opening injunction sets up two poles of behavior: foreign

[3] Many scholars have argued that the text of Lev 18 is composite, with the earlier legal material in vv. 6-23 being later supplemented by the parenetic frame (vv. 1-5, 24-30). See e.g., Karl Elliger, *Leviticus*, HAT I/4 (Tübingen: J. C. B. Mohr [P. Siebeck], 1966), 238-240; Friedrich Fechter, *Die Familie in der Nachexilszeit: Untersuchungen zur Bedeutung der Verwandschaft in ausgewählten Texten des Alten Testaments,* BZAW 264, (Berlin: De Gruyter, 1998), 134-140; Erhard S. Gerstenberger, *Leviticus: A Commentary*, trans. Douglas W. Stott, (Louisville: Westminster John Knox, 1996), 246-248. These scholars conclude that the parenetic frame (especially vv. 24-30) was added later for some of the following reasons: 1) the frame is written entirely in the second-person plural whereas the laws are written in the second-person singular; 2) the conclusion (vv. 24-30) describes all the offenses in the chapter as "abominations" (*tô'ēbōt*) and "polluting" (*ṭm'*), but these terms are used in the laws to describe only homosexuality (called a *tô'ēbâ*, 18:22), adultery (resulting in *ṭm'*, 18:20), and bestiality (resulting in *ṭm'*, 18:23); 3) the conclusion mentions only the nations who inhabited the land in which Israel dwells (presumably, but not explicitly identified as the Canaanite nations. cf. Lev 18:24, 25, 27, 28) as practicing the sexual offenses mentioned in the chapter, whereas the introduction mentions both Canaan and Egypt. I do not deny the possibility that the chapter developed over time, but none of these arguments sufficiently proves that the text *must* be composite or how such divergent features came to be associated with distinct redactional layers (cf. Eve Levavi Feinstein, *Sexual Pollution in the Hebrew Bible.* [Oxford: Oxford University Press, 2014], 167-168, 257, nn. 3-4). Each argument depends on some minute difference in terminology, but scribes operating in a writing-supported oral culture tolerated a high degree of what we consider inconsistencies in their texts. Based on documented cases of scribal transmission, we would expect a redactor to harmonize his text and smooth out apparent tensions and inconsistencies either intentionally or through accidental assimilation to a memorized text. See David Carr, *The Formation of the Hebrew Bible*, 90-98; idem, "Data to Inform Ongoing Debates About the Formation of the Pentateuch: From Documented Cases of Transmission History to a Survey of Rabbinic Exegesis," in *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel, and North America*, edd. Jan C. Gertz, et al., FAT 111 (Tübingen: Mohr Siebeck, 2016), 90-94.

[4] Leviticus 18:3 emphasizes the Egyptian and Canaanite behavior to be avoided by "fronting" it before the verb in three consecutive statements. See Milgrom, *Leviticus 17-22*, 1518.

practices on one side and Yahweh's law on the other. The result of following Yahweh's law is made immediately clear in 18:5: "The person who performs them shall live by them." The text delays its description of the results of turning the other direction and pursuing foreign practices until vv. 24-30, after the main body of legislation.

The heart of Lev 18 consists of a long and detailed series of prohibitions (vv. 6-23). With one exception (v. 21), these laws regulate Israel's sexual conduct. More specifically, they define by way of negation which sexual partners an Israelite man could lawfully approach. The chapter describes these acceptable relations in an orderly sequence. It begins by prohibiting incestuous relations (vv. 6-18). Verse 6 functions as a heading for the incest prohibitions: "No man may approach any of his own flesh and blood and so uncover nakedness. I am Yahweh."[5] Christophe Nihan helpfully observes that the incest prohibitions display an internal organization. They move from illicit relationships within the family (vv. 6-16) to illicit relationships within the clan (vv. 17-18).[6] This movement from family to clan builds momentum that leads into the second part of the legal list in vv. 19-23. Here, the legist regulates acceptable sexual unions throughout the nation of Israel as a whole (with the sole exception of Lev 18:21, on which see below). As Nihan notes, "All the cases described represent transgression against major boundaries controlling sexual activity in Israel's society."[7] Thus, the legislator uses the series of laws in Lev 18:6-23 to carefully restrict the relational boundaries of the family, the clan, and the nation.

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[5] The translation "flesh and blood" is an idiomatic rendering of *šĕʾēr bĕśārô*, literally, "flesh of his flesh," meaning "close kin." The phrase appears only elsewhere in Lev 25:49, where it describes a close relative from the clan (*mišpāḥâ*). Note also how Lev 21:2-3 uses the phrase *šĕʾērô haqqārōb ʿēlāyw*, literally "his flesh near to him," to describe relationships within the nuclear family: mother, father, son, daughter, brother, and (unmarried) sister. Additionally, I read the infinitive phrase *lĕgallôt ʿerwâ* as an infinitive construct indicating result (WO §36.2.3d).

[6] *From Priestly Torah to Pentateuch*, 441.

[7] *From Priestly Torah to Pentateuch*, 437.

Having described the specific sexual behaviors to be avoided in vv. 6-23, the text returns to the parenetic frame in vv. 24-30. Here, the author picks up the theme of vv. 1-5 and describes what would happen should Israel adopt the practices of Egypt and Canaan (as described in vv. 6-23) instead of living according to Yahweh's law. The commission of foreign sexual practices would pollute both the people and land of Israel (vv. 24-25, 27-28, 30). Should the land become defiled (*ṭm'*), it would vomit out (*qy'*) its inhabitants, expelling Israel from its midst, just as it did the nations who transgressed before them (vv. 25, 28).[8] Additionally, every individual guilty of these sins would be cut off (*krt*) from the people (v. 29).[9] These concluding verses take up and

[8] Two historical/cultural questions emerge from the association of Egypt and Canaan with the sexual offenses listed in Lev 18. First, were these practices actually common in Egypt and Canaan? In the case of Canaanite culture (a challenging thing to define in its own right), we know so little that it remains quite difficult to verify the statements of the chapter (cf. Thomas Staubli, *Die Bucher Levitikus Numeri,* NSKAT 3 [Stuttgart: Katholisches Bibelwerk, 1996], 150). Feinstein, recognizing this lack of evidence, compares Babylonian and Hittite law in order to illuminate broad ancient Near Eastern trends in sexual legislation. In her estimation, the ancient Near East had a much narrower list of prohibitions than that found in Lev 18. *Sexual Pollution*, 127-128. The Egyptian evidence proves more forthcoming and indicates that incest was not uncommon, particularly among the royal family, where brother-sister marriage was customary (cf. Walter Scheidel, "Brother-Sister Marriage in Roman Egypt." *Journal of Biosocial Science* 29/3 [1997]: 361-371; idem., "Ancient Egyptian Sibling Marriage and the Westermarck Effect," in *Inbreeding, Incest, and the Incest Taboo: The State of Knowledge at the Turn of the Century,* edd. Arthur P. Wolf and William H. Durham [Stanford: Stanford University Press, 2005], 93-105; Jaroslav Černy, "Consanguineous Marriages in Pharaonic Egypt," *JEA* 40 [1954]: 23-29; Michael E. Habicht et al., "Body Height of Mummified Pharaohs Supports Historical Suggestions of Sibling Marriages," *American Journal of Physical Anthropology* 157/3 [2015]: 519-525). But, this Egyptian behavior raises a second historical question: Why was Egyptian practice mentioned in the chapter at all? Egypt was not expelled from the land of Canaan (cf. v. 28) and appears to fall out of view in vv. 24-30. Milgrom suggests that Egypt is included because the author still remembers that Canaan was once an Egyptian province (*Leviticus 17-22,* 1519). Feinstein suggests, more convincingly, that Egypt's transgression of these norms was too pertinent to be left out of the discussion (*Sexual Pollution*, 127). We might also suggest that perhaps Egypt was included in the judgments of Lev 18 because the nation was known to be a demonized "other." Association of such practices with the disdained Egyptians would make them all the more reprehensible to an Israelite audience.

[9] Though Priestly literature frequently imposes the penalty of being "cut off" (*karet*), the precise meaning of this sentence remains unclear. Some scholars interpret *karet* as a form of banishment. The guilty individual would be severed from her community in an attempt to purge society of the negative influence. See e.g., Gerhard Von Rad, *Old Testament Theology*, trans. D. M. G. Stalker (New York Harper & Row, 1962), I:264, n. 182; or more recently, G. Thomas Hobson, "Cut Off From (One's) People: Punitive Expulsion in the Torah," (PhD diss., Concordia Seminary, St. Louis, 2010). But, two factors make such an interpretation of *karet* unlikely. First, Ex 31:14-15 and Lev 20:2-3 sentence transgressions (Sabbath violation and Molech worship, respectively) with both *karet* and death. If *karet* should be understood as excommunication, this penalty could hardly be inflicted alongside execution; the two are mutually exclusive. Second, *karet* is never a penalty imposed by the community. It is always explicitly performed by Yahweh (e.g., Lev 17:10; 20:2-6) or described using a passive (Niphal) verb (e.g., Lev 7:20, 21, 25, 27; 17:9, 10, 14), to be interpreted as a divine passive. While Yahweh certainly could banish an individual from

develop the themes of the exhortation in vv. 1-5 as they once again urge Israel to keep its behavior distinct from that of Egypt and Canaan.[10] In fact, Nihan observes that the distinction between Israel and the nations found in the parenetic frame further develops the movement from family (vv. 6-16), to clan (vv. 17-18), to nation (vv. 19-23) in the legal section of the chapter. The framing exhortation situates these intra-Israelite boundaries within the broader context of defining Israel's cultural identity over against that of the nations. Nihan observes:

> The main implication of this elaborate scheme is that at the level of the family, the clan, or even the nation, the ultimate purpose of these prohibitions is to preserve Israel's distinct status as Yahweh's people. In other words, Israel's separation from the nations begins with preservation of the family's fundamental structures.[11]

Leviticus 18, then, urges the Israelites to keep their sexual behavior distinct from that of their neighbors so that they do not likewise defile their land and suffer corporate destruction.

Having described the structure of Lev 18 and its conclusion that the offenses of vv. 6-23 defile the land, I turn now to explain what those offenses are. I have already indicated that these transgressions are sexual in nature (apart from v. 21). But, the sexual offenses that Israel must avoid are diverse and in a few cases difficult to determine with precision. Defining the socially unacceptable behaviors of Lev 18:6-23 sheds light on precisely what kinds of offenses pollute (*ṭm'*) the land in this text. While scholars have devoted a great deal of attention to the offenses in

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society, this would require some degree of enforcement by the community itself. More likely, *karet* describes the extirpation of an individual or his descendants by Yahweh (cf. Ps 109:13; Ruth 4:10; Mal 2:12). Or, *karet* may designate the opposite of being "gathered" to one's kin in the afterlife (cf. Num 20:24; 27:13; 31:2; Gen 15:15; Judg 2:10). For more extensive discussion, see Baruch Levine, *Leviticus* (Philadelphia: Jewish Publication Society, 1989), 241-242; Milgrom, *Leviticus 1-16*, 549-550.

[10] Rüwe goes so far as to say, "Die sprachlichen und inhaltlichen Bezüge zwischen diesen beiden Teilen [18:2b-5 and 24-30] sind so eng und zahlreich, daß man in der Tat von einer Rahmenparänese sprechen muß" (*Heiligkeitsgesetz und Priesterschrift*, 182).

[11] *From Priestly Torah to Pentateuch,* 441. See also Adrian Schenker, "What Connects the Incest Prohibitions with the Other Prohibitions Listed in Leviticus 18 and 20?," 182.

vv. 6-23, I keep my comments here brief.[12] I intend only to demonstrate the types of transgressions that could pollute Israel's territory, not to unearth their every implication.

Leviticus 18 begins its sexual prohibitions with a strict ban on incest (vv. 6-18). These laws prohibit sexual relations with a series of consanguines (blood relatives) and affines (relatives by marriage). These women must have been divorced or widowed, otherwise sexual relations with them would be considered adultery, which is treated as a different case (18:20). Nihan summarizes the text's basic argument, "Affinity is equivalent to consanguinity; that is, *kinship is equally defined by filiation as by alliance with another kin* (marriage) - a postulate explicitly stated in Gen 2:24."[13] The author strengthens this prohibition by consistently using the phrase *gillâ 'erwâ*, "to uncover nakedness," a strongly pejorative expression described in more detail below.

The next two prohibitions move beyond the family and clan to prohibitions concerning intercourse with any Israelite woman. First, Lev 18:19 prohibits sexual intercourse with a woman during her menstrual impurity. This form of ritual uncleanness lasted for seven days and conferred a lesser, one-day impurity to people and objects by direct contact (cf. Lev 15:19-23). The prohibition of sex with a menstruating woman stands in tension with Lev 15:24. The latter text states that any man who has intercourse with a menstruating woman also becomes unclean

[12] For one detailed discussion, cf. Johanna Stiebert, *First-Degree Incest and the Hebrew Bible: Sex in the Family* (London: Bloomsbury T & T Clark, 2016).

[13] Nihan, *From Priestly Torah to Pentateuch*, 432, emphasis original. Cf. Susan Rattray, "Marriage rules, Kinship Terms and Family Structure in the Bible," in *SBL 1987 Seminar Papers*, SBLSP 26 (Atlanta: Scholars, 1987), 537-544. The fact that the women forbidden as sexual partners in this chapter would have belonged to the same extended family household likely also influenced the equivalent legal standing of both affinous and consanguineous relatives. Cf. Carol Meyers, *Discovering Eve: Ancient Israelite Women in Context* (Oxford: Oxford University Press, 1988), 133-136; Deborah L. Ellens, *Women in the Sex Texts of Leviticus and Deuteronomy: A Comparative Conceptual Analysi*, LHBOTS 458 (New York: T & T Clark, 2008), 76.

for seven days and pollutes any bed on which he lies. This verse does not prohibit the act of intercourse like Lev 18:29 (and Lev 20:18, which prescribes *karet* for infraction). Some scholars have attempted to resolve the discrepancy by arguing that Lev 15:24 entails a case of *unintentional* intercourse with a menstruating woman (her condition being unknown before the act) or that Lev 15:24 concerns itself only with the nature of impurity and not its consequences.[14] Others attribute the apparent disagreement between these verses to a difference in perspective between P (Lev 15:24) and H (Lev 18:29; 20:18). They claim that H grants menstrual impurity a new significance distinct from that of other ritual impurities.[15] Regardless of its relationship to earlier material, Lev 18:29, like the preceding incest regulations, strengthens the prohibition of intercourse with a menstruating woman by employing the pejorative expression *gillâ ʻervâ*.

In the following verse (Lev 18:20), the legislator prohibits adultery. In ancient Israel, and the broader ancient Near East, adultery was defined as any act of intercourse between a married woman and a man other than her husband.[16] Adultery is commonly proscribed in biblical and ancient Near Eastern law (cf. Ex 20:14[13]; Lev 20:10; Deut 5:17[18]; 22:22; LUN 7; LE 28; CH 129; MAL A 13-16, 22-23; HL 197-198). In Lev 18:20 the man who commits adultery with his neighbor's wife is said to become defiled by her (*lĕṭom'â bāh*).[17] The language of sexual

[14] See e.g., Milgrom, *Leviticus 1-16,* 940. As Milgrom himself admits, the argument that Lev 15:24 describes an act of unintentional intercourse is significantly weakened by the use of the infinitive absolute in the protasis of the verse (*šākōb yiškōb*), which gives affirmative force the verb (cf. *IBHS* §35.3.1f; Yoo-ki Kim, "The Function of the Tautological Infinitive in Biblical Hebrew" [PhD diss., The Johns Hopkins University, 2006], 125-131).

[15] See e.g., Feinstein, *Sexual Pollution,* 114.

[16] Cf. Raymond Westbrook, "Adultery in Ancient Near Eastern Law," in *Law from the Tigris to the Tiber*, edd. Bruce Wells and Rachel Magdalene, (Winona Lake: Eisenbrauns, 2009), I:246.

[17] Note the very similar use of pollution language to describe the a woman suspected of adultery in Num 5:11-31.

pollution marks out adultery not just as legally impermissible, but also degrading or disgusting in the view of the biblical writers.[18]

Leviticus 18:21 stands out in this chapter as the only law that does not proscribe any kind of sexual intercourse. Instead, this verse prohibits giving one's children as an offering *lmlk* (literally, "you must not give any of your seed to pass over *lmlk*," *ûmizzar'ăkā lō' tittēn lĕha'ăbîr lammōlek*). Scholars disagree about the proper interpretation of the phrase *lmlk*. The traditional rendering, "to Molek," interprets *mlk* as the name of a deity, whose worship involved sacrificing children. Leviticus 20:5 supplies some of the strongest biblical evidence for the existence of a deity Molek because it uses the phrase "to whore after Molek" (*liznôt 'aḥărê hammōlek*). The phrase "to whore after N" is always used of gods, idols, or demons (cf. Lev 20:6; Judg 8:27, 33; Ezek 20:30). Nevertheless, other scholars contend, largely under the influence of Punic and Latin inscriptions, that *lmlk* describes a type of offering: "as a *mlk* sacrifice."[19] Despite significant disagreement about the precise meaning of Lev 18:21, scholars generally agree that the forbidden ritual involved the sacrifice of children, either to Yahweh or a deity, *mlk*.

But why would the ritual sacrifice of children be included in a chapter otherwise completely concerned with sexual offenses? Two possibilities seem likely. First, offering of one's children *lmlk* could be reckoned a form of religious infidelity, or even prostitution. Leviticus 20:5, a parallel prohibition similarly situated in a chapter concerned with sexual offenses, offers significant support for this conclusion when it uses the verb *znh*, "to whore," to

[18] Cf. Feinstein, *Sexual Pollution*, 117. Note that Lev 18:23 uses the same language of sexual pollution to describe the outcome of bestiality.

[19] For a helpful survey of recent interpretations of *lmlk* cf. Heath D. Dewrell, *Child Sacrifice in Ancient Israel,* EANEC 5 (Winona Lake: Eisenbrauns, 2017), 4-36.

describe offering one's children *lmlk*.[20] Second, Lev 18 may include the ritual sacrifice of children *lmlk* because the author considered it one of the key reasons for the expulsion of the Canaanites from the land. Leviticus 18:24-30 states that the Canaanite violation of the statutes in vv. 6-23 caused the land to vomit them out. The same sentiment (without the imagery of vomiting) also appears in Deut 18:9-12. Furthermore, the language used in Lev 18:21 situates the law well in its current context. The author has composed this prohibition in such a fashion that it repeats some of the same terminology used in the surrounding laws. The law prohibits improper placement (*lō' tittēn*) of "seed" (*zera'*), language which Lev 18:20 and 23 also use to prohibit adultery and bestiality. Those who offer their children *lmlk* profane (*ḥll*) the name of Yahweh. Thus, this verse describes such deviant religious behavior as fundamentally violating Israel's relationship to Yahweh.

The final two laws in the chapter restrict appropriate sexual relations to those between a human male and a human female. Leviticus 18:22, which prohibits male same-sex intercourse, may be the most frequently discussed and debated verse from this chapter, particularly in recent years. The law prohibits the Israelite male audience from having intercourse with a male (*zākār*). The text describes this male-male intercourse as "the acts of lying (sexually) with a woman" (*miškĕbê 'iššâ*).[21] This expression occurs only in this verse and the parallel prohibition found in Lev 20:13. Fortunately, it can be compared to the phrase *miškab zākār*, "the act of lying

[20] Note that both interpretations of the phrase *lmlk* can account for the language of adultery. While whoring after a deity Molek sits comfortably in biblical idiom, whoring after *mlk*-offerings does not. Nevertheless, Dewrell has offered a convincing text-critical argument in favor of reading the original text of Lev 20:5 as *lznwt bmlkym*, "by whoring via *mlk*-offerings" (cf. Ps 108:36-39). See Dewrell, "'Whoring after the *mōlek'* in Lev 20:5. A Text-Critical Examination." *ZAW* 127/4 (2016): 628-635.

[21] For this translation of the phrase see Harry M. Orlinsky, "The Meaning of the Root *ŠKB*." *JBL* 63/1 (1944): 41-42.

(sexually) with a man" (Num 31:17, 18, 35; Judg 21:11, 12), which denotes a woman's intercourse with a man.

Debate continues to surround the precise interpretation of *miškĕbê ʻiššâ* in Leviticus 18:22 (and 20:13). Saul Olyan has suggested that *miškāb zākār*, "the act of lying with a man," "must mean specifically male vaginal penetration."[22] As a result, the analogous phrase, *miškĕbê ʻiššâ*, "the acts of lying with a woman" must denote, "the act or condition of a woman's being penetrated," or "vaginal receptivity."[23] Olyan then concludes that the law's prohibition specifically concerns the act of male-male anal intercourse and addresses only the man who engages in the anal-penetrative act.[24] Jerome Walsh has modified Olyan's argument, arguing that the text actually addresses the anal-receptive partner. Walsh notes that the phrase *miškĕbê ʻiššâ*, which he translates "sexual receptivity," modifies the subject's action of "lying" (*škb*). This adverbial accusative phrase stands in contrast to *miškāb zākār*, "sexual penetration." Thus, the subject of the verb fulfills the receptive role in sexual intercourse.[25]

But, both Olyan and Walsh's approaches run into problems by limiting the force of the prohibition to only one of the partners of male-male anal intercourse. First, every other sexual offense in Lev 18 concerns the choice of an appropriate sexual partner, not the mode of

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[22] Saul Olyan, "'And with a Male You Shall Not Lie the Lying Down of a Woman': On the Meaning and Significance of Leviticus 18:22 and 20:13," *Journal of the History of Sexuality* 5/2 (1994): 184.

[23] Ibid., 185.

[24] Olyan notes that other biblical laws prohibit "lying with" various female partners, thus addressing the penetrative partner in the act of intercourse. See Ibid., 185-186.

[25] "Leviticus 18:22 and 20:13: Who Is Doing What to Whom?" *JBL* 120/2 (2001): 201-209. Cf. also George M. Hollenback, "Who Is Doing What to Whom Revisited: Another Look at Leviticus 18:22 and 20:13." *JBL* 136/3 (2017): 529-537. Olyan responds to Walsh's argument in *Social Inequality in the World of the Text: The Significance of Ritual and Social Distinctions in the Hebrew Bible*, JAJSup 4 (Göttingen: Vandenhoeck & Ruprecht, 2011), 54.

intercourse. It would be surprising to find this one verse in the chapter shift its focus to the manner in which one member participates in the sexual act. Second, Olyan claims that the second-person singular verbal form focuses the prohibition of Lev 18:22 on only one party in the sexual act, but this contradicts clear evidence from elsewhere in Lev 18-20. If Olyan is correct, then one would have to argue that all the prohibited women in Lev 18 would be considered innocent should a man have intercourse with them (so also the animals in Lev 18:23).[26] But, one case alone renders this suggestion impossible: the prohibition of adultery in Lev 18:21. The Hebrew Bible universally regards both partners in an adulterous affair as guilty. Consider also that Lev 20, which contains most of the sexual proscriptions found in Lev 18 consistently assigns penalties to both partners for sexual misconduct.[27] Third, Olyan's reading of the text also fails to cohere well with the literary context. Even if Lev 18:22 condemns only one member in the act of male same-sex intercourse, verses 24-30 of the same chapter explain that the act of same-sex intercourse defiles the land. Thus, every act of same-sex intercourse would defile the territory of Israel regardless of the innocence of one of the parties. In other words, even if Olyan has read the law correctly, the conclusion of chapter 18 functionally prohibits all sex between two males.

Another recent approach to this law avoids all of these criticisms. David Tabb Stewart first advanced this line of reasoning by observing that the plural form of *miškāb* differs in meaning from the singular noun. He pointed to Gen 49:4, where Jacob condemns Reuben by saying, "You mounted your father's bed" (*ʿālîtā miškĕbê ʿābîkā*). Thus, Stewart concluded that the plural *miškĕbê*, whether in construct with a female (as in Lev 18:22; 20:13) or a male (as in

[26] See Feinstein, *Sexual Pollution*, 175.

[27] Olyan recognizes this fact, but contends that the punishment prescribed for both partners in male homosexual intercourse (cf. Lev 20:13) was added by the H redactor. "'And with a Male You Shall Not Lie," 186-187.

Gen 49:4) denotes illicit sex. Stewart specifically described this illicit sex as incest.[28] Bruce Wells more recently advanced this line of thought by contending, not that *miškĕbê* denotes incest, but that it "communicates the notion of someone's lying-down area or zone…an individual's sexual domain." Wells reaches this conclusion by arguing that the phrase *miškĕbê 'iššâ* is an adverbial accusative of location.[29] Hence, Lev 18:22 prohibits intercourse with a man belonging to the sexual domain of a woman. But what does that mean? For Wells, the law does not prohibit intercourse with any male in the Israelite community in general, but rather with all *married* men. Those who are married would belong to the sexual domain of their wives and thus be sexually off-limits.[30]

While these scholars correctly recognize that both parties are guilty in Lev 18:22, I still find their approach unconvincing. Wells's argument that Lev 18:22 prohibits intercourse with any married man conflicts significantly with the definition of adultery in the Hebrew Bible and the ancient Near East. Specifically, if sex with married men is prohibited, then every act of intercourse between a married man and *any* partner must be prohibited. Whether the partner be another Israelite male (as is the case in Lev 18) or any other person, intercourse with a married man would, according to Wells, be an act of intercourse *miškĕbê 'iššâ* "in the wife's sexual

[28] David Tabb Stewart, "Ancient Sexual Laws: Text and Intertext of the Biblical Holiness Code and Hittite Law" (PhD diss., University of California, Berkeley, 2000), 72-74

[29] Bruce Wells, "On the Beds of a Woman: The Leviticus Texts on Sam-Sex Relations Reconsidered," in *Sexuality and Law in the Torah*, eds. Hilary Lipka and Bruce Wells (London: T & T Clark, 2020), 128-132. See also, Bruce Wells, "The Grammar and Meaning of the Leviticus Texts on Same-Sex Relations Reconsidered" (paper presented at the Annual Meeting of the SBL, San Diego, CA, 24 November 2014), 3, 14.

[30] Wells, "On the Beds of a Woman," 140-156. Jan Joosten basically agrees with Wells that the law prohibits intercourse with a married man, but argues instead that *miškĕbê* should be interpreted as a dual form of the noun *miškāb*, specifically denoting a "(double, i.e. conjugal) bed." "A New Interpretation of Lev 18:22 (par. Lev 20:13) and its Ethical Implications" (paper presented at the University of Geneva, 28 May 2018).

domain." But, this radical expansion of sexual restrictions seems unlikely even in Lev 18, which proscribes more sexual transgressions than any other biblical text. Elsewhere in the Hebrew Bible and ancient Near East, married men (not women) could engage in intercourse outside marriage without penalty, as long as they did not take another man's wife or daughter (and thereby transgress against that man's property).[31] Thus, the claim that Lev 18:22 prohibits intercourse with a married man, while a major improvement over the arguments of Olyan and others, fails to cohere well with other important material in biblical law.

The best approach to Lev 18:22 remains the traditional one. For a man to lie with another man *miškĕbê 'iššâ* offends the legislator because it consists in a mixing or confusion of the gender roles he perceives to be natural. Wells's conclusion that *miškĕbê 'iššâ* should be read as an adverbial accusative of location actually supports this argument.[32] Instead of translating the phrase as "the sexual domain of a woman," one could interpret it as "the place a woman lies," a way of describing the substitution of a man for a woman as one of the partners in the sex act.[33] This interpretation better suits the context of the passage, which concerns itself with defining appropriate sexual partners. Same-sex intercourse falls outside the realm of acceptable sexual relations because it "seems to violate the natural order assumed by the text, much like sex

[31] Raymond Westbrook and Bruce Wells observe, "Extramarital relations by a man, for example, with a concubine, slave or prostitute, were sometimes frowned upon but were not regarded as adultery." *Everyday Law in Biblical Israel: An Introduction* (Louisville: Westminster John Knox, 2009), 80; cf. also Ilan Peled, "Gender and Sex Crimes in the Ancient Near East: Law and Custom," in *Structures of Power: Law and Gender Across the Ancient Near East and Beyond*, ed. Ilan Peled (Chicago: The Oriental Institute of the University of Chicago, 2018), 28-29.

[32] See Wells, "Grammar and Meaning," 1-23

[33] Note that this translation of *miškĕbê* as "the place of X" suits well the one other text that contains this term. As noted already, Genesis 49:4 condemns Reuben for going up on the *miškĕbê 'ābîkā*. This would then mean that Reuben is condemned for going up to the place where his father ordinarily lies (i.e., his father's marriage bed, literally, the position of intercourse with his father's wife).

between a human and an animal [Lev 18:23]."[34] David VanDrunen helpfully describes the sexual norm of the chapter as "a heterosexual marriage relationship between those not too closely related, which would ordinarily be procreatively fruitful."[35] The legislator specifically condemns male same-sex intercourse by describing it as *tô'ēbâ*, "an abomination."[36] Thus, sex between two men was deemed by the legislator to be both impermissible and reprehensible.

Finally, Lev 18:23 concludes the sequence of prohibited sex acts by condemning bestiality. No man or woman should approach an animal to engage it in sexual intercourse and thereby defile themselves.[37] Strikingly, this verse alone in Lev 18 specifically addresses a woman as the subject of the sexual act. Some scholars have supposed that the legislator directly addresses women in this case because they did not have sexual access to men on their own initiative. Lacking recourse to men, these women might avail themselves of animal partners when they desired sexual intercourse.[38] Alternatively, the address to women could be yet one more means of marking this kind of sexual activity as deviant, since in none of the other regulations of this chapter (or the parallel Lev 20) does a woman approach her partner in

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[34] Feinstein, *Sexual Pollution*, 176.

[35] *Divine Covenants and Moral Order: A Biblical Theology of Natural Law*, Emory University Studies in Law and Religion (Grand Rapids: Eerdmans, 2014), 303.

[36] For further discussion of this important term see the more extensive discussion below and Carly L. Crouch, "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective" *VT* 65 (2015): 516-541.

[37] Harry Hoffner notes that the biblical legislation assumes in every case that the human partner initiates the sexual contact (note the active verbs for both man and woman). In contrast, HL §119 assumes some cases wherein the animal may take the initiative. See "Incest, Sodomy and Bestiality in the Ancient Near East," in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Occasion of His Sixty-Fifth Birthday,* ed. Harry A. Hoffner (Neukirchen-Vluyn: Neukirchener Verlag, 1973), 81

[38] See Levine, *Leviticus*, 123; Thomas Staubli, *Die Bucher Levitikus Numeri,* NSKAT 3 (Stuttgart: Katholisches Bibelwerk, 1996), 154.

intercourse.[39] Just as this law prohibits engagement in bestiality by all Israelites, male and female, so also it prohibits access to all non-human beings by using the word "any" to expand the list of prohibited animals.[40] As with the other sexual transgressions described thus far, the legislator presents bestiality as a repulsive and distorted act. Here, bestiality is said to defile (*lĕṭom'â*) the man or woman who commits it. Furthermore, it is also called *tebel*, "confusion," a noun derived from the verb *bll*, "to mix." In this case, the act of intercourse between human and animal constitutes an unlawful mixture of two separate spheres.

2.1.2 The Relationship between Leviticus 18 and 20

The list of sexual prohibitions in Lev 18 is remarkable in its scope. But more remarkable still is that the Hebrew Bible contains a second chapter just like it. Leviticus 20 parallels Lev 18 quite closely, and while this chapter makes no explicit mention of the defilement of the land, I argue in the following pages that it has been composed as an intentional parallel to Lev 18 and thus implicitly addresses the subject. First, I briefly outline some of the basic similarities between the two chapters in order to orient the following discussion. Then, I respond to those scholars who argue against reading Lev 18 and 20 as parallel passages. Having described some of the weaknesses in other views, I then go on to describe why I see these two chapters as intentionally intertwined in form and content. Finally, I close this section by showing how these conclusions require the addition of several kinds of transgressions to the list of potentially land-defiling offenses in Leviticus.

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[39] See Jonathan P. Burnside, "Strange Flesh: Sex, Semiotics and the Construction of Deviancy in Biblical Law," *JSOT* 30/4 (2006): 405.

[40] So also, Feinstein, *Sexual Pollution*, 115.

Leviticus 20, like Lev 18, consists of a long series of prohibitions situated in a parenetic frame. In this case, the initial exhortation begins in Lev 20:7-8 following after the first two legal paragraphs, which prohibit offering one's children *lmlk* and turning to *'ōbōt* and *yiddĕ'ōnîm* (Lev 20:2-6). The closing exhortation (Lev 20:22-26) follows the main body of laws (Lev 20:9-21) but contains in its midst a reiteration of the dietary laws (Lev 20:25) and is followed by one final prohibition against necromancy (Lev 20:27; linked to v. 6 by the same vocabulary). The main body of legislation in Lev 20 closely follows the content of 18:6-23, but not its form or organization. In contrast to the apodictic form of the earlier chapter, Lev 20 frames its laws casuistically. Unlike Lev 18, which organizes the proscriptions by affinity of the sexual partner, Lev 20 organizes these rulings according to the severity of their penalties.[41] The first sequence of laws, in Lev 20:10-16, punishes the transgressor with death.[42] The next group of commands (Lev 20:17-21) does not prescribe any punishment imposed by a human court. Instead, these transgressors suffer directly at God's hands. In some cases, the offenders are "cut off" (Lev 20:17, 18; cf. the discussion of *karet* in note 9 above). Several laws use the phrase *nāśā' 'āwôn/ḥēṭ'* to indicate that the offenders will bear their guilt/sin (Lev 20:17, 19, 20).[43] The last two cases note that the guilty parties will die childless (*'ărîrîm*, Lev 20:20, 21). Thus, Lev 18 and

[41] See e.g., Milgrom, *Leviticus 17-22*, 1730; Nihan, *From Priestly Torah to Pentateuch*, 447; Rüwe, *Heiligkeitsgesetz und Priesterschrift*, 229-241.

[42] The death penalty is most commonly expressed by the phrase *môt yûmat/yûmātû*, "he/they shall surely be put to death" (Lev 20:9, 10, 11, 12, 13, 15, 16). A large number of these verses further emphasize the transgressors' culpability by adding the phrase *dāmāyw bô/dĕmêhem bām*, "his/their bloodguilt is on him/them" (Lev 20:9, 11, 12, 13, 16; cf. 1 Kgs 2:33; Ezek 18:13). Unique among these prescription is Lev 20:14, which prescribes burning for the man who marries (*yiqqaḥ*) a woman and her mother.

[43] See Baruch Schwartz's very helpful discussion of this phrase. "The Bearing of Sin in the Priestly Literature," in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom*, edd. David P. Wright, David Noel Freedman, and Avi Hurvitz (Winona Lake: Eisebrauns, 1995), 8-15.

20 both share a similar overall structure comprised of a parenetic frame around a central body of laws, though the two chapters employ different organizational principles for their legal material.

Despite these initially apparent similarities, scholars disagree about the historical relationship between Lev 18 and 20. A first group of scholars contends that these two chapters reflect such extensive similarities because both are based on a common source text. They conclude that the two chapters could not have been composed by the same author/editor because they display a significant number of dissimilarities. First, the lists of legal proscriptions differ in several details. Leviticus 18 lacks three non-sexual prohibitions found in Lev 20 (proscribing necromancy [20:6, 27], cursing parents [20:9], and violation of the dietary laws [20:25]). Likewise, Lev 20 lacks five of the incest prohibitions from chapter 18.[44] Second, the two chapters differ in their legal form, as already noted. Chapter 18's laws are apodictic whereas those in chapter 20 are casuistic. Third, the sequence of the two law collections differs. Chapter 18 arranges its prohibitions according to partner while chapter 20 organizes them by penalty. Fourth, the two chapters have different addressees. Chapter 18 addresses the Israelite male as an individual. Chapter 20 calls on the entire community to punish offenders (but only in vv. 10-16). Fifth, Feinstein observes that the two chapters associate pollution language with different offenses. Chapter 18 describes adultery and bestiality as defiling (Lev 18:20, 23) and then adds in the closing exhortation that all the sexual sins of the chapter cause pollution (Lev 18:24, 25, 27, 28, 30). Chapter 20 associates the language of pollution with offering one's children *lmlk* and

[44] Leviticus 20 fails to prohibit intercourse with one's mother (18:7), granddaughter (18:10), stepsister (18:11), a woman and her granddaughter (18:17; though 20:14 does prohibit intercourse with a mother and her daughter, which is also mentioned in 18:17), and two sisters (18:18).

the dietary laws (20:3, 25).[45] Sixth, Milgrom argues that the chapters have entirely different rationales. In his opinion, "Chap. 18 dwells negatively on the sins that will lead to exile, while chap. 20 speaks positively of the effect of observing the prohibitions: it will lead to separation from other nations and achieving holiness (v. 26)."[46] Seventh, chapter 18 prescribes *karet* for all the offenses in its list, but chapter 20 grades its penalties.[47] Feinstein helpfully summarizes this perspective by observing:

> [The differences between these two chapters] suggest that neither chapter was directly based on the other in its current form. It is unlikely that an author adapting Leviticus 18 would have chosen to omit five of the sexual prohibitions, nor is it likely than author adapting Leviticus 20 would have chosen to omit three of the nonsexual prohibitions while retaining one.[48]

Thus Feinstein, Milgrom, and others contend that both Lev 18 and 20 have grown out of a common source text, which contained a reduced list of sexual prohibitions and some of the parenetic material. This source text would have lacked the extra prohibited sexual relations in Lev 18 and the extra nonsexual prohibitions in Lev 20, which were added by their respective editors. Additionally, each editor would have modified the parenetic material to suit his particular purposes.

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[45] Feinstein, *Sexual Pollution*, 169.

[46] Milgrom, *Leviticus 17-22*, 1767. I must register my disagreement with Milgrom on this point. I do not believe the rationale of the two chapters diverges nearly as much as he suggests. Chapter 20 actually does dwell on the negative reality of offenses that will lead to exile. Most of the chapter concerns itself with prohibiting these sins. Additionally, Lev 20:22-23 expresses the same sentiment as 18:24-30 that the disobedience of Israel will result in the land vomiting the people out in exile. While Milgrom correctly observes that chapter 18 does not focus on the possibility of Israel attaining holy status, the chapter does promise life to the one who lives by its laws (Lev 18:5).

[47] See Milgrom, *Leviticus 17-22*, 1767.

[48] *Sexual Pollution,* 169.

While I agree with these scholars that significant differences exist between Lev 18 and 20, I am less confident that they necessarily reflect different editorial hands. The presence of different contents, legal formulations, sequences, etc. may in fact support the fact that these two texts work together as a pair (instead of competing as different accounts of the law). After all, David Carr has demonstrated that documented cases of scribal editing/combination of texts tends to result in harmonization and coordination of materials.[49] In this case, the editor's failure to smooth out the differences between Lev 18 and 20 suggests that these chapters were not two originally independent sources brought into the same context. In each text, the editor focuses on different concerns and thus emphasizes different topics and themes. On the one hand, Lev 18 focuses on prevention of disobedience by urging the audience to avoid deviant behavior and its catastrophic results. Leviticus 20, on the other hand, describes the outcomes of disobedience. The chapter calls on the community to punish transgressors so that Israel might continue to reside in the land. Both messages cohere, but they remain distinct. It seems more probable that an editor would have composed two distinctly different but parallel chapters with different functions than that he would have incorporated two conflicting works by different hands.

Additionally, I believe that reading Lev 18 and 20 as complementary texts better respects their status as ancient Near Eastern law. Specifically, those scholars who contend that Lev 18 and 20 must derive from different editorial hands focus their attention on the detailed differences between the two passages (e.g., the inclusion/exclusion of particular laws). But, this focus on

[49] . See David Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (Oxford: Oxford University Press, 2011), 90-98; idem, "Data to Inform Ongoing Debates About the Formation of the Pentateuch: From Documented Cases of Transmission History to a Survey of Rabbinic Exegesis," in *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel, and North America*, edd. Jan C. Gertz, et al., FAT 111 (Tübingen: Mohr Siebeck, 2016), 90-94.

minute differences fails to take account of the nature and function of legal texts in the ancient Near East. The drafters of ancient Near Eastern law codes did not compose statutory legislation like a modern civil or criminal code. Instead, these ancient law collections reflect a common law tradition in which judges made legal pronouncements informed by the collected wisdom of their predecessors. Ancient Near Eastern law collections do not determine the law but gather legal precedents and inform the law's application in the courts much like a modern legal treatise.[50] These legal texts do not contain exhaustive treatments of legal topics but collect cases that illustrate the legal principles that ought to inform judicial decisions.[51] As a result, two law codes may contain slightly different lists of legal rulings without contradicting or competing with one another. In the case of Lev 18 and 20, the fact that these two similar texts contain slight differences does not necessarily reveal the hand of different editors. Rather, the difference between the two chapters may simply reveal the legal culture of ancient Israel in which drafters of law texts felt at ease allowing minute differences so long as their texts conveyed similar legal precedents for use in the court of law.

A second group of scholars contends that Lev 20 was composed later than Lev 18 and modifies the earlier chapter. In Friedrich Fechter's words, the chapter is "ein sehr junges Produkt, Ergebnis einer zusammenschauenden Redaktionsarbeit."[52] Thus, it would be

[50] See Raymond Westbrook, "Biblical and Cuneiform Law Codes," in *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook,* edd. Bruce Wells and Rachel Magdalene (Winona Lake: Eisenbrauns, 2009), I:14; idem, "Cuneiform Law Codes and the Origins of Legislation," in *Law from the Tigris to the Tiber*, I:91-92; Joshua Berman, *Inconsistency in the Torah*: *Ancient Literary Convention and the Limits of Source Criticism* (Oxford: Oxford University Press, 2017), 113-114.

[51] See Westbrook, "What is the Covenant Code," in *Law from the Tigris to the Tiber*, I:104-107.

[52] *Die Familie in der Nachexilszeit: Untersuchungen zur Bedeutung der Verwandschaft in ausgewählten Texten des Alten Testaments,* BZAW 264 (Berlin: De Gruyter, 1998), 223. Note that Fechter, while advocating a late date for Lev 20, does not conclude that it depends entirely on Lev 18. The different sequence of laws and omission of several

inappropriate to use Lev 20 to amplify one's understanding of the pollution of the land in Lev 18. These scholars, like those arguing for mutual dependence on a common source text, base their argument on the differences between Lev 18 and 20.[53] They also argue that certain differences reveal the dependence of Lev 20 on chapter 18. Fechter claims that Lev 20:2-5 must come later than its parallel (Lev 18:21) because it develops and expands on the prohibition against offering one's children *lmlk*.[54] Yet, while Lev 20:2-5 clearly discusses this prohibition in more detail than its parallel, the argument for expansion can elsewhere be made in the opposite direction. For example, Feinstein argues that Lev 18:24-30 expands on Lev 20:22-23.[55] But, in both cases, Fechter and Feinstein fail to assemble sufficient criteria to justify the later date of one text vis-à-vis the other.[56] Fechter further argues that Lev 20 must be later than Lev 18 because it draws on chapter 19 and texts outside Lev 17-26. Specifically, Lev 20:6, 27, the prohibitions against necromancy, secondarily take up the similar command from 19:31. Likewise, Lev 20:9, the

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cases indicates that there may have been a common source shared by the two texts (as argued by Feinstein, Milgrom, and others). See ibid., 225.

[53] See e.g., Klaus Grunwaldt, *Das Heiligkeitsgesetz Leviticus 17-26: Ursprüngliche Gestalt, Tradition und Theologie,* BZAW 271 (Berlin: De Gruyter, 1999), 177, 207; Hilary Lipka, *Sexual Transgression in the Hebrew Bible*, HBM 7 (Sheffield: Sheffield Phoenix Press, 2006), 59.

[54] *Die Familie in der Nachexilszeit: Untersuchungen zur Bedeutung der Verwandschaft in ausgewählten Texten des Alten Testaments,* BZAW 264 (Berlin: De Gruyter, 1998), 224.

[55] Feinstein, *Sexual Pollution*, 169.

[56] Determining the historical priority of one Pentateuchal text vis-à-vis another to which it is literarily related is no simple matter. One helpful attempt to unearth justifiable criteria for resolving direction of dependence can be found in David M. Carr, "Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34, 11-26 and its Parallels," in *Gottes Volk am Sinai: Untersuchungen zu Ex 32-34 und Dtn 9-10*, edd. Matthias Köckert and Erhard Blum, Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 18 (Gütersloh: Kaiser, 2001), 107-140. Carr arrives at five diagnostic criteria for determining the relative lateness of a text: 1) expansion beyond a verbal parallel; 2) conflation of material from disparate sources; 3) filling narrative gaps; 4) expansion of character speeches; and 5) adaptation of biblical texts to later circumstances. Yet, both Fechter and Feinstein emphasize the first criterion for determining direction of dependence: expansion beyond a verbal parallel. The fact that this criterion can be used to argue for the priority of both Lev 18 and Lev 20 substantially diminishes its usefulness in this particular instance.

prohibition against cursing one's parents, augments 19:3. And finally, the command to observe the dietary laws (Lev 20:25) repeats material from Lev 11.[57] Hilary Lipka has made another, similar kind of argument. She claims that the laws of Lev 18:6-23 originally lacked specific sanctions, but Lev 20:9-21 then added them to each offense.[58] For this group of scholars, the laws of Lev 20 take a later, redactional form that appears secondary in relation to Lev 18. Thus, Lev 20 should not be interpreted as a parallel to chapter 18, but a later development and modification of that text.

The chief arguments for viewing Lev 20 as a late redaction of Lev 18 depend on the form of the supposedly later chapter. But, in each case what should serve as evidence for the disparity between Lev 18 and 20 could also be interpreted as evidence of redactional unity. Fechter's list of verses in which Lev 20 relates to earlier passages in the book could easily be used to argue the opposite of what he claims. Where he sees evidence of late redactional activity others see evidence of a single redactor composing a unified text.[59] Fechter assumes that intertextuality could arise only through the work of multiple redactors. I would contend that such clearly parallel passages more likely result from the work of a single editorial hand utilizing similar language and material in different places.[60] Likewise, the shift from apodictic to casuistic law does not imply a historical development. Other law codes from the ancient Near East attest to the

[57] Fechter, *Die Familie in der Nachexilszeit*, 223. Here Fechter is employing Carr's second criterion: confliation of material from disparate sources.

[58] Lipka, *Sexual Transgression in the Hebrew Bible*, 59.

[59] See e.g., Nihan, *From Priestly Torah to Pentateuch*, 451, 478.

[60] This is not to suggest that this single editor could not work with disparate source material in the composition of his text. Rather, our ability to discern the fractures between original sources has been greatly impeded, perhaps made impossible, by the editor's composition of a coherent text.

simultaneous co-existence of both casuistic and apodictic provisions. These law codes consist primarily of casuistic legislation, but apodictic forms can be found, for example, in CH §36-40, HL §56, MAL A §40.[61] The different forms of Lev 18 and 20 do not supply us with enough information to contend that the two chapters must be the products of different editorial hands. While Lev 18 and 20 certainly manifest a number of differences, arguments for the redactional disunity of the two chapters fail to stand up to scrutiny.

I contend that Lev 18 and 20 should be read together as intentionally parallel passages. First, these two chapters display signs of intentional structuring both with respect to their position in the book of Leviticus and their own internal composition. Second, the specific laws of both chapters overlap in remarkably detailed ways. Third, both passages share a unique ideology of motivation and punishment. Thus, Lev 18 and 20 should be read as parallel texts, both of which concern land-defiling offenses and urge Israel to avoid and punish such behaviors, lest they be expelled from the land of Canaan.

The first indication that Lev 18 and 20 should be read as intentionally parallel texts is their organization: both their literary position in the book of Leviticus and their parallel structures. Leviticus 18 and 20 parallel one another in content and stand as literary frames around Lev 19, emphasizing the centrality and importance of this chapter.[62] Some have even gone so far as to say that the parallel placement of Lev 18 and 20 emphatically demonstrates that chapter 19

[61] For further discussion of competing views regarding the forms of Israelite law see Westbrook, "What is the Covenant Code?," in *Law from the Tigris to the Tiber*, I:97-102, 110-114.

[62] See Nihan, *From Priestly Torah to Pentateuch*, 430.

is the center of the book of Lev or even the entire Pentateuch.[63] The editor of Leviticus evidently viewed these two chapters as sufficiently parallel to serve as borders around chapter 19. Lev 18 and 20 also share similar internal structures. Both chapters consist of a lengthy list of laws sitting in the midst of a parenetic frame. While some laws have intruded into the framing material in Lev 20 (in vv. 2-6, 25, 27, as noted above), the chapter's structure still largely reflects that found in Lev 18. Both chapters have evidently been situated and structured as parallel texts.

Not only do Lev 18 and 20 share a similar structure, but the legal provisions of the two chapters overlap to a remarkable degree. Both chapters prohibit adultery, incest (in great detail), same-sex intercourse, bestiality, and sexual relations with a menstruating woman. Beyond these sexual proscriptions, the two chapters likewise prohibit offering one's children *lmlk*. These laws do not merely overlap in content, but also display close parallels in their formulation. The sexual prohibitions of both chapters share the uncommon phrase *gillâ 'erwâ* (18:6-19; 20:11, 17-21).[64] Both chapters prohibit same-sex relations and bestiality in nearly identical terms.[65] The laws against offering one's children *lmlk* likewise use similar language.[66] The two chapters also employ a shared language of disgust to demarcate such offenses as reprehensible: *tô'ēbâ*

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[63] See e.g., Milgrom, *Leviticus 17-22*, 1768; Jonathan Burnside, "Strange Flesh: Sex, Semiotics and the Construction of Deviancy in Biblical Law," *JSOT* 30/4 (2006): 389. Note that Rolff Rendtorff considers Lev 16 as the middle of the Pentateuch. "Leviticus 16 als Mitte der Tora," *BibInt* 11 3/4 (2003): 252-258.

[64] The phrase *gillâ 'erwâ* appears in the Hebrew Bible only eight other times (Ex 20:26; Isa 47:3; Ezek 16:36, 37; 22:10; 23:10, 18, 29).

[65] Regarding same-sex intercourse: Lev 18:22 *wĕ'et zākār lō' tiškab miškĕbê 'iššâ*//Lev 20:13 *wĕ'îš 'ăšer yiškab 'et zākār miškĕbê 'iššâ…môt yûmātû*. Regarding bestiality between a man and an animal: Lev 18:23 *ûbĕkol bĕhēmâ lō' tittēn šĕkobtĕkā*//Lev 20:15 *wĕ'îš 'ăšer yittēn šĕkobtô bibhēmâ môt yûmāt.* Bestiality between a woman and an animal is described slightly differently in the two chapters, but still manifests parallels: Lev 18:23 *wĕ'iššâ lō' ta'ămōd lipnê bĕhēmâ lĕrib'ah*//Lev 20:16 *wĕ'iššâ 'ăšer tiqrab 'el kol bĕhēmâ lĕrib'â 'ōtāh wĕhāragtā 'et hā'iššâ*.

[66] Leviticus 18:21 *ûmizzar'ăkā lō' tittēn lĕha'ăbîr lammōlek*//Lev 20:2 *'ăšer yittēn mizzar'ô lammōlek môt yûmāt* (cf. Lev 20:3, 4).

"abomination" (18:22, 26, 27, 29, 30; 20:13), *tebel* "confusion, perversion" (18:23; 20:12), *zimmâ* (18:17; 20:14). While some differences between these chapters do exist (as discussed above), their similarities of content and formulation support the interpretation of Lev 18 and 20 as parallel texts.

Leviticus 18 and 20 also share a unique ideology of motivation and punishment that appears nowhere else in the Hebrew Bible. The parenetic frame of both chapters encourages the Israelites to observe Yahweh's *ḥuqqôt* and *mišpāṭîm* (18:4-5, 26; 20:8, 22). At the same time, both texts urge the people to avoid "foreign" practices associated with both Canaan and Egypt (18:1-3, 27-30; 20:23). And yet, the two chapters are not identical. Leviticus 18 focuses its attention more on the reprehensible character of Egyptian and especially Canaanite "abominations" (18:3, 24-30). Leviticus 20 attends more to Israel's status as a holy nation (20:7-8, 26). While each retains a distinct emphasis, both chapters share similar general exhortations to observe Yahweh's commands and avoid foreign practices. What marks the ideology of these two chapters as truly unique is the punishment they both envision should Israel fail to observe the terms of the text. Both chapters predict that the land will "vomit" (*qy'*) Israel out if the people disobey (18:25, 28 [2x]; 20:22). This imagery appears nowhere else in the Hebrew Bible (or the ancient Near East, as far as I am aware). The parallel motivation and punishment in both these chapters makes their intentional placement in Leviticus as parallel texts more plausible.

While Lev 18 and 20 each manifest some unique features, the two texts appear to have been composed as parallel to one another. They share remarkably similar structures, prohibitions, motivations, and penalties. As a result, even though Lev 20 nowhere mentions the defilement of the land, the chapter should be understood as addressing the subject like its partner text. Just as the offenses of Lev 18 bring pollution on the land of Israel, so also the those found in Lev 20.

The idea of the land's defilement may be explicit in Lev 18, but it lies latent in chapter 20. This submerged concern with pollution of the land comes close to surfacing in Lev 20:22, where the land is said to vomit Israel out if it fails to observe the chapter's regulations. Such personification of the land is an important feature of the ideology of the land's defilement, to be discussed at more length below.

If Lev 20 does in fact present a series of offenses that could defile the land, the list of land-defiling transgressions from Lev 18 needs to be modified slightly. First, cursing parents should be included as an offense that can defile the land of Israel (Lev 20:9). While to modern readers this offense may seem unrelated to the list of sexual offenses that follows, it likely did not seem so in ancient Israel. Commission of any of the sexual offenses listed in Lev 20:10-21 would certainly bring dishonor on one's father and mother.[67] Second, necromancy pollutes the land (Lev 20:6, 27). In Lev 19:31 we find a similar prohibition: "Do not turn to *'ōbôt* and do not seek out *yiddĕ'ônîm* with the result that you become polluted by them (*lĕṭom'â bāhem*)." In this case, the sin of necromancy defiles the transgressor. The land-defiling offenses of Lev 18 also defile those who commit them (cf. 18:24, 30). Thus, necromancy, which clearly defiles the sinner in Lev 19:31, should likewise defile the land. Third, any transgression against Israel's dietary laws also defiles the land (Lev 20:25). Like the previous offense, this sin also results in personal defilement.[68] These three offenses (cursing parents, necromancy, and transgression of

[67] See Jonathan P. Burnside, *God, Justice, and Society: Aspects of Law and Legality in the Bible* (Oxford: Oxford University Press, 2011), 351-351; Milgrom, *Leviticus 17-22*, 1744.

[68] Defilement of the self is in this case expressed with the verb *šqṣ*, which is uniquely associated with the dietary laws.

the dietary laws) should thus be added to the list of land-defiling transgressions derived from Lev 18.

2.1.3 Disgust and the Defilement of the Land in Leviticus 18 (and 20)

Leviticus 18 and 20 use diverse and assertive language to describe land-defiling offenses. No other text in the Hebrew Bible surpasses these chapters in the density or frequency of terms like "abomination," (*ṭô'ēbâ*, Lev 18:22, 26, 27, 29, 30; 20:13), "perversion," (*tebel*, Lev 18:23; 20:12), "depravity" (*zimmâ*, Lev 18:17; 20:14) and more. By using such strong language, the text specifically defines these offenses as disgusting or repulsive. It motivates Israel's obedience by marking all such transgressions as repugnant to Israelite morality and social identity. The text augments the offense of such misdeeds by labeling them as foreign practices. These behaviors belong to the Egyptians and even more so, the Canaanites, who previously defiled the land and were thereby expelled. Leviticus 18 and 20 emphasize that Israel likewise pollutes its land when it commits transgressions deemed unsavory and inappropriate. By acting in these ways, the Israelites become themselves "foreigners in the land," they act as those who no longer belong. And the land expels them as a result.

In the following pages, I demonstrate how Lev 18 and 20 interweave the ideas of disgust and defilement to motivate Israel's obedience. First, I define and discuss the terms of revulsion used in both Lev 18 and 20. Then, having described the great array of disgust terminology used in these chapters I show how frequently such terminology appears. But, the association of disgust with defilement does not merely pertain to a list of terms of revulsion in these texts. I also show that the author of Lev 18 and 20 personifies the land of Israel as a figure who vomits out its inhabitants once saturated with disgusting behavior. Following this survey of moral/social

disgust in Lev 18 and 20 I move on to demonstrate that such an approach to law, especially sexual law, was not unheard of in the ancient Near East. Legal material from Hittite Anatolia also displays a clear sense of disgust directed toward sexual transgression. These observations about disgust and defilement in Lev 18 and 20 lead me to conclude that the terminology of revulsion was used in these chapters to mark certain behaviors as foreign and thus unacceptable. Land-defiling transgressions serve as boundary-markers for Israelite society, demarcating those who practice them as "other" and those who refrain as "properly functioning" members of Israelite society.

I begin my discussion of disgust terminology in Lev 18 and 20 with the most common term found in these chapters: *'erwâ*, "nakedness." This term appears most frequently in the expression *gillâ 'erwâ*, "to uncover nakedness," a euphemism for sexual intercourse.[69] In these chapters, *gillâ 'erwâ* is associated specifically with incest. Other sexual offenses are condemned in other terms. This euphemism, despite its extraordinary repetition in these chapters (appearing 20 times), happens to be quite uncommon elsewhere in the Hebrew Bible. The normal expression for sexual intercourse in biblical Hebrew is *šākab 'im*, "to lie with," or even *bō' 'el*, "to go into."[70] When other biblical texts use the phrase *gillâ 'erwâ*, they use it only rarely as a euphemism for intercourse. In Exodus 20:26 we read, "Do not go up steps to my altar so that your nakedness is not uncovered (*lō' tiggāleh 'erwātĕkā*) on it." Here, the phrase literally designates the exposure of a man's genitals. Elsewhere, the exposure of one's genitals may be an

[69] In Leviticus 18 and 20 *'erwâ* appears by itself (often in the construct phrase "nakedness of N") in Lev 18:8, 10, 16; 20:17 [2x]. The expression *gillâ 'erwâ* appears in Lev 18:6-19 (every verse); 20:11, 17-21 (every verse).

[70] See Jan Joosten, "La non-mention de la fille en Lévitique 18. Exercise sur la rhétorique du Code de Sainteté," *ETR* 75 (2000): 417, n. 9.

act of shame and disgrace. In Ezekiel 16:36; 23:18, 29 Judah exposes her own "nakedness" as she fornicates with her lovers: foreign nations and their idols. Here, the phrase certainly describes (metaphorical) sexual relations, but differs in that the subject (Judah) exposes her own nakedness. In the same contexts, she receives punishment in kind (a type of *lex talionis* retribution) as her lovers return in judgment to forcibly uncover her nakedness, a metaphor for destruction and plunder (Ezek 16:37; 23:10). We use similar metaphors in contemporary English when we speak of "stripping bare" or "raping" a city. Similar sentiments of judgment and shame appear in Isaiah 47:3 where Yahweh uncovers the nakedness of Babylon: "Your nakedness will be uncovered; your shame also will be seen. I will take vengeance; let no man intercede" (*tiggāl ʿervātēk gam tērāʾeh ḥerpātēk nāqām ʿeqqāḥ wĕlōʾ ʾepgaʿ ʿādām*).[71] Note that in this last verse, the act of uncovering nakedness stands in poetic parallelism to the exposure of one's shame. The only remaining text in the Hebrew Bible to use the phrase *gillâ ʿerwâ* is also the only one to use the phrase euphemistically like Lev 18 and 20. Ezekiel 22:10 states, "They uncover (their) father's nakedness in you. They violate (*ʿinnû*) women with menstrual impurity in you."[72] These

[71] The verb *ʾepgaʿ* in Isa 47:3 proves challenging to interpret. In context, the verb seems to mean, "to plead to, intercede" (cf. HALOT, s.v., פגע). But, the first-person Qal form would ordinarily mean "I will intercede," which makes little sense in the verse. As a result, scholars have suggested various emendations of the verse. Some suggest emending the verb to the Niphal *ʿeppāgaʾ*, "I will not (be made to) yield to any intercession." See, e.g., Shalom Paul, *Isaiah 40-66: Translation and Commentary* (Grand Rapids: Eerdmans, 2012), 291. Others (myself included) emend the verb to the Qal third-person singular *yipgaʾ*, "no one will intercede" (cf. Symm, V). See, e.g., the BHS textual note; Brevard Childs, *Isaiah*, OTL (Louisville: Westminster John Knox, 2001), 363-364; John Goldingay and David Payne, *Isaiah 40-55: Volume II,* ICC (London: T & T Clark, 2006), 97-98.

[72] I follow the VSS (G, T, S, V) in reading *gillû* instead of MT's *gillâ*. Note that the second verb in the verse is rendered as a plural (*ʿinnû*) instead of a singular. Admittedly, MT is the *lectio dificilior*, but perhaps this verse in MT could have been contaminated by a scribe's memory of Lev 20:11 (*ʿerwat ʿābîw gillâ*). Such a scribal error would reflect a classic case of what David Carr has named "memory variants" and seems especially likely given the close relationship between Ezekiel and the Holiness Code. See Carr, *The Formation of the Hebrew Bible*, 13-36.

For the translation of *ʿnh*, see Feinstein, *Sexual Pollution*, 68-72; Ellen Van Wolde, "Does *ʿinnâ* Denote Rape? A Semantic Analysis of a Controversial Word," *VT* 52/4 (2002): 528-544.

other occurrences of *gillâ ʻerwâ* shed light on the euphemism in Lev 18 and 20. Clearly, this expression carries connotations of personal debasement, humiliation, and shame. The text motivates Israel to avoid "uncovering nakedness" because such acts of incest involved violation on the part of the active partner and humiliation for the recipient.[73] Jan Joosten observes:

> L'expression "découvrir la nudité" (*gillah ʻerwah*), répétée dans chacune des clauses, n'est pas un terme neuter pour décrire les relations sexuelles. Il s'agit d'une figure à caractère métonymique, connotée péjorativement, et qui a pour effet de présenter d'emblée toute relation incestueuse comme un outrage.[74]

Thus, Lev 18 and 20 discourage incestuous relations by portraying them as offensive and unsociable behavior. But, the other offenses found in these chapters receive similar treatment.

While Lev 18 and 20 motivate observance of the incest prohibitions through the repeated use of the phrase *gillâ ʻerwâ*, they use an array of emotion-laden terms in the remaining prohibitions: *tôʻēbâ,* "abomination," *tebel,* "perversion," *zimmâ,* "depravity," *ḥesed,* "reproach," *niddâ,* "pollution," *qwṣ,* "to loathe," and *šqṣ,* "to detest." In the following paragraphs, I describe each of these terms and explain how they convey the repulsive nature of the long list of land-defiling sins in Lev 18 and 20.

The noun *tôʻēbâ*, "abomination," while common in in the Hebrew Bible (occurring 118 times), appears in Leviticus only in chapters 18 and 20. The cognate verb, *tʻb*, "to abominate," appears nowhere in the book.[75] These chapters use *tôʻēbâ* in two ways. First, Lev 18:22; 20:13 designate same-sex intercourse as an abomination. Second, the parenetic conclusion of Lev 18

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[73] See Joosten, "La non-mention de la fille en Lévitique 18. Exercise sur la rhétorique du Code de Sainteté." *ETR* 75 (2000): 417, n. 10; Gerstenberger, *Leviticus*, 247. Jay Sklar goes so far as to translate the phrase "to have shameful sexual relations." *Leviticus*, 231.

[74] Jossten, "La non-mention de la fille en Lévitique 18," 417.

[75] This denominative verb appears far less often than its cognate noun, being used in the Hebrew Bible only 23 times (after emending Amos 6:8 from *tʼb* > *tʻb*).

uses *tôʿēbâ* as a general expression for all the offenses listed in the chapter (18:26, 27, 29, 30). Scholars agree that *tôʿēbâ* functions as an expression of physical and/or emotional disgust at such actions.[76] But, Carly Crouch offers a very helpful analysis of the more precise use of *tôʿēbâ* in the Hebrew Bible:

> *twʿbh* is not used of merely any person, act or object that an author dislikes, but rather of those things that are perceived as profoundly different and which are therefore rejected; it is used of people, practices and objects associated with opposed ethnic identities in particular, as well as concepts and practices that are considered fundamentally incompatible. The delineation and protection of boundaries, in other words, represents the key to the usage of *twʿbh* and *tʿb*.[77]

Texts that use the language of "abomination" mark Israel's social identity through appeal to the emotions. They describe unacceptable and un-Israelite practices as reprehensible or even disgusting.[78] Leviticus 18 and 20 engage in this very kind of polemic by associating the long list of forbidden practices with the Egyptians and Canaanites. Israel defined itself in opposition to these two groups. In Crouch's words these two people groups were, "Egypt, from which the people were brought out, in the act that marked the genesis of their existence as Israelites, and Canaan, in which this identity is continuously threatened by the non-Israelite inhabitants of the land."[79] Thus, these chapters identify land-defiling offenses as distinctly foreign practices that should offend Israelite sensibilities. Not only are such acts morally repugnant, but they also

[76] See e.g., Feinstein, *Sexual Pollution*, 118; Thomas Kazen, *Emotions in Biblical Law*, HBM 36 (Sheffield: Sheffield Phoenix Press, 2011), 86-87.

[77] "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective," *VT* 65 (2015): 517.

[78] See Crouch, "What Makes a Thing Abominable?," 520-521.

[79] Ibid., 528.

transgress important social boundaries and militate against Israel's cultural identity. By committing such misdeeds, Israel itself becomes an "outsider" in its own land.

The next term of disgust, *tebel*, "perversion," applies to two cases: bestiality committed by a woman (Lev 18:23) and intercourse with one's daughter-in-law (Lev 20:12). This noun probably derives from the verb *bll*, "to mix."[80] Thus, *tebel* most likely describes an inappropriate mixture. In these two cases, we find unacceptable sexual mixtures of species (Lev 18:23) and family relations. LXX translates *tebel* differently in Lev 18:23 and 20:12, but both translations indicate that the noun carries connotations of social offense. In Lev 18:23, LXX translates with μυσερὸς, "loathsome, abominable, detestable." In Lev 20:12, LXX uses a form of ασεβέω, "to be impious, act profanely," to render the Hebrew expression, *tebel ʿāśû*, "they have committed perversion." This early interpretation confirms that the noun *tebel* directs the audience's sense of revulsion toward offenses that defile the land.

The next term of revulsion, *zimmâ*, "depravity," appears frequently in the Hebrew Bible to designate a wide variety of offenses. The noun derives from the verb *zmm*, "to plan [evil]," so it comes as no surprise to find it designating sinister schemes and plots (Ps 119:150; Prov 21:27; 24:9).[81] Other offences described as *zimmâ* include violent plots (Ps 26:9-10), murder (Hos 6:9), and social injustice (Isa 32:7). But, even more frequent and important for this discussion, is the use of *zimmâ* to describe sexual wrongdoing. Judges 20:6 designates the rape and murder of a concubine as *zimmâ*. Ezekiel frequently uses this noun to describe Israel's idolatry as an act of sexuality infidelity against her husband, Yahweh (Ezek 16:27, 58; 22:2, 6, 9, 12; 23:21, 27, 29,

[80] So Milgrom, *Leviticus 17-22*, 1571; Levine, *Leviticus*, 123; Feinstein, *Sexual Pollution*, 118.

[81] See HALOT, s.v. זמה; TDOT, s.v. זמם, זָמָם, זִמָּה, מְזִמָּה.

35, 44, 48; 24:13; cf. Jer 13:27). In our text, the legislator describes intercourse with a woman and her daughter or granddaughter as *zimmâ* (Lev 18:17; 20:14). The one other Leviticus text that (possibly) mentions defilement of the land (Lev 19:29) also uses this term to condemn a father who makes his daughter engage in sex. This noun does not express the simple emotion of disgust, but rather designates an action as "shameful," that is, something socially repulsive.[82] John Hartley observes that *zimmâ* is "predominantly used to depict certain acts as shameful and repugnant to God."[83] The term *zimmâ*, thus, describes activity that society deems unsavory and inappropriate. The use of this word in tandem with other terms of disgust or revulsion further strengthens this conclusion. *Zimmâ* repeatedly appears in close association with *tô'ēbâ*, "abomination," (Ezek 16:43, 58), *ṭm'*, "to defile (v.); impurity (n.)," (Ezek 22:11; 24:13); and *znh* "to commit extra-marital intercourse (v.); extra-marital intercourse (n.)," (Ezek 23:27, 29, 35; Jer 13:27). Thus, this noun also indicates that land-defiling offenses were deemed socially unacceptable.

Yet another term of disgust, *ḥesed* I, "shameful thing, reproach," designates actions that are socially unacceptable. The root *ḥsd* I, found in both verbal and nominal forms, appears quite infrequently in biblical Hebrew, perhaps because of the great frequency of its homonym with a nearly opposite definition: *ḥesed* II, "faithfulness, loyalty, etc." (often used of Yahweh's commitment to Israel). *Ḥesed* I derives from the verb *ḥsd* I, "to bring shame upon, reproach" (Pr 25:10). The noun appears in Lev 20:17, where the legislator condemns intercourse with one's

[82] See Thomas Kazen's translation of *zimmâ* as "shameful." "Dirt and Disgust: Body and Morality in Biblical Purity Laws," in *Perspectives on Purity and Purification in the Bible*, edd. Baruch J. Schwartz and David P. Wright (New York: T & T Clark, 2008), 59; *Emotions in Biblical Law,* HBM 36 (Sheffield: Sheffield Phoenix Press, 2011), 85. HALOT, s.v. זִמָּה, suggests translating "infamy, shameful behavior."

[83] NIDOTTE, s.v. זמם.

sister. Elsewhere, the term appears only once, but designates that which deserves reproach (Pr 14:34). This term of condemnation, though poorly attested in the Hebrew Bible, fits comfortably in the context of Lev 18 and 20, where it is associated with a great number of other terms of revulsion.

The next term of disgust, *niddâ*, comes from the realm of impurity and is employed in Lev 20:21 to condemn the act of marrying the wife of one's brother. *Niddâ* frequently appears as a term describing the state of a menstruating woman (cf. Lev 12:2, 5; 15:19-33; 18:19; Ezek 18:6; 22:10; 36:17; Lam 1:17). Dorothea Erbele-Kuster argues that no connotation of disgust attaches to texts using *niddâ* to describe menstruation in Lev 11-15: "Une connotation de dégout ne peut pas étre trouvée dans ce texte.".[84] Erbele-Kuster's observation proves true in Lev 11-15, but texts outside this narrow range do use the image of a menstruating woman to convey disgust or reproach. In Ezek 36:17 (discussed further in Chapter 5), Israel's land-defiling deeds are compared to the "impurity of a menstruating woman."[85] Or Lam 1:17, in describing Jerusalem as an object of reproach, compares the city to a menstruating woman, spurned by all around her. The etymology of *niddâ* is not immediately apparent, though the most plausible suggestion is to derive the term from *ndd*, "to retreat, flee." Feinstein observes:

> Although some have suggested that the use of the root for menstruation has to do with the physical expulsion of blood from the body, it is more likely related to a conception of pollution as that from which one retreats or separates oneself. The more pointed use of the root *ndd* in Aramaic to mean 'abominate, revile' supports this interpretation. Also

[84] "Comment dire l'interdit? Le tabou linguistique et social de la menstruation en Lévitique 11-20," in *Tabout et transgressions: Actes du colloque organisé par le Collège de France, Paris, les 11-12 avril 2012*, edited by Jean-Marie Durand et al., OBO 274 (Fribourg: Vandenhoeck & Ruprecht, 2015), 184.

[85] This text does confirm Baruch Levine's observation that *niddâ* "does not connote impurity in and of itself but, rather, describes the physiological process of the flow of blood" (*Leviticus,* 97). The verse describes Israel's deeds as *kĕṭum'at hanniddâ*, "like the impurity of a menstruating woman," which shows that *ṭum'â*, "impurity," itself denotes the impurity of a menstruating woman's condition.

> supporting this etymology are Nah 3:7; Ps 31:12 and 64:9, where the root *ndd* signifies fleeing in disgust.[86]

The use of *niddâ* for the state of menstruation serves as the point of origin for the broader use of this term to designate impurity in general. In several places, the noun simply designates someone or something as "polluted" without any reference to menstruation (cf. Ezek 7:19-20; 2 Chr 29:5 [the same things are described as *ṭum'â* in 29:16]).[87] Leviticus 20:21 uses *niddâ* in this general sense to describe intercourse with the wife of one's brother as a polluting act. This use of *niddâ*, however, moves beyond objectively describing a state (as when *niddâ* designates menstruation) to subjectively designating pollution as reprehensible. In Lev 20:21, *niddâ* conveys the abominable, disgusting character of such an offense.[88] Thus, *niddâ* also adds to the emotional weight of the legislator's case for avoiding land-defiling offenses.

The legislator continues emphasizing the repulsive nature of land-defiling offenses by attributing disgust at such acts to Yahweh himself. In Lev 20:23, Yahweh says that he "loathed" (*wā'āquṣ*) the former inhabitants of Canaan, who committed these offenses. This verb, *qwṣ* (and its by-form *qwṭ*), denotes a sense of loathing and disgust (cf. Gen 27:46; Num 21:5; 1 Kgs 11:25; Prov 3:11; Job 10:1; Pss 95:10; 119:158; 139:21; Ezek 6:9; 20:43; 36:31).[89] Thus, with this verb

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[86] *Sexual Pollution,* 181. See also Milgrom, *Leviticus 1-16*, 745; Erbele-Kuster, "Comment dire l'interdit?," 184. Baruch Levine argues, to the contrary, that *niddâ* derives from *ndh*. "to cast, hurl, throw" (cognate with Akkadian *nadû*). *Leviticus*, 97.

[87] Milgrom finds a source-critical origin for the change in the meaning of *niddâ*: "In P, the word *niddâ* is a technical term for menstrual discharge. In H, however, and in derivative literature (e.g., Ezek 7:19, 20; Lam 1:8, 17; Ezra 9:11), it becomes a metaphor for impurity, indecency, or disgrace, which stems from moral rather than physical causes." *Leviticus 17-22*, 1328.

[88] Erbele-Kuster observes, "*Niddâ* devient dans les lois sexuelles un mot analogue á *tebel* ou *zimmâ* pour désigner des trasngressions qui répandent l'horreur." "Comment dire l'interdit?," 189. See also Levine, *Leviticus*, 139.

[89] The verb can also denote "dread," but this meaning is infrequent in the Hebrew Bible and occurs only in the collation *qwṣ mippĕnê X* "to be in dread before X" (Ex 1:12; Num 22:3; Isa 7:16).

the author urges his audience to reflect Yahweh's own disgust at those offenses which could pollute the land.

Finally, the last term of disgust in this context, the verb *šqṣ* (Piel), further drives home the repulsive nature of transgressions that pollute the land. This verb clearly means, "to detest, abominate," though its etymology remains somewhat unclear. Scholars commonly suggest that *šqṣ* could be an early Shaphel formation of *qwṣ* "to loathe."[90] Alternatively, in part because it appears only in the Piel, I consider it likely that *šqṣ* is a denominative verb derived from the noun *šeqeṣ*.[91] Biblical Hebrew uses this noun solely to denote unclean animals. The verb *šqṣ* likewise appears most often in contexts associated with the dietary laws (Lev 11:11, 13, 43; 20:25). In only two texts does *šqṣ* appear without any reference to animals that ought not to be eaten, but both of these texts confirm the verb's association with revulsion. Deuteronomy 7:26 urges Israel not to bring idols (described in this verse as *tôʿēbâ*, "an abomination") into their homes and commands the people instead to both *šqṣ*, "detest," and *tʿb*, "abominate," them. Psalm 22:25 sets *šqṣ* in clear parallelism with *bzh*, "to despise." Francis Andersen and David Noel Freedman observe, "In both priestly and prophetic contexts *šqṣ* expresses 'the strongest revulsion' and abomination on the part of Yahweh toward uncleanness and idolatry."[92] Naturally, then, when Lev 20:25 urges Israel not to make itself detestable (*wĕlōʾ tĕšaqqĕṣû ʾet napsōtĕkem*), the text

[90] See HALOT, s.v. שׁקץ; TDOT, s.v. שׁקץ, שֶׁקֶץ, שִׁקּוּץ; Ludwig Wächter, "Reste von Šafʾel-Bildungen im Hebräischen," *ZAW* 83/3 (1971): 383. The dictionaries regularly claim that Akkadian *šaqāṣu* is a cognate to biblical Hebrew *šqṣ*, but I find this unlikely. The Akkadian term may mean "to give someone the evil eye" (so AHw, 1139a), but it appears so infrequently and in texts so poorly understood, that little evidence beyond the form of the verb itself suggests any relationship to Hebrew *šqṣ* (CAD translates "to be wild[?], brutal [?], Š.1, s.v. *šakāṣu*).

[91] On the denominative Piel see GKC §52h; Joüon §52d.

[92] *Hosea: A New Translation with Introduction and Commentary*, AB 24 (New York: Doubleday, 1980), 541.

motivates its audience to avoid defiling the land by identifying such behavior as repulsive not only in the sight of Israelite society, but also before Yahweh himself.

In summary, this long list of terms of disgust and revulsion used to describe land-defiling offenses demonstrates the legislator's attempt to motivate obedience through an appeal to the emotions. In the space of 57 verses (the total of both chapters 18 and 20), terms of disgust and revulsion appear 46 times. Of the 34 independent laws in these chapters, only 9 (Lev 18:20, 21, 23a; 20:2-5, 6, 9, 10, 15, 16) lack any evaluation as being somehow repulsive. Such dense and extensive employment of disgust terminology appears nowhere else in the Hebrew Bible. Note also that this appeal to the emotions is not inherently irrational. The use of emotional rhetoric and the attempt by the legislator to shape cultural values and social norms through the emotions is, in fact, highly rational. Populations are frequently motivated to regulate their behavior through emotional motivators as opposed to those that are purely rational (consider much of political rhetoric, for example). In this Leviticus text, the legislator leverages the usefulness of emotions in order to generate social conformity to the chapter's regulations. Clearly, the legislator aims to motivate his audience to avoid polluting the land because such transgressions would be abhorrent to their better sensibilities.

Disgust expressed toward Israel's land-defiling offenses is not merely the experience of the Israelites in Lev 18 and 20. In these passages, when the land becomes polluted it undergoes deep revulsion toward its inhabitants. More specifically, the land vomits out its people when they pollute it (Lev 18:25, 28; 20:22).[93] This vivid personification demonstrates the great danger of

[93] Disgust proves to be the only emotion associated with a specific physiological state: nausea. Hence, the land's vomiting out of its inhabitants manifests a typical disgust response. Note also that the typical expression of disgust, the "disgust face," like vomiting, discourages entry into the body or actively discharges offending substances (through wrinkling of the nose, raising the lower lip, and gaping with or without extension of the tongue). See Paul

polluting the land: If Israel's offenses grew numerous enough, the people would be expelled from their territory like so much unpalatable food. The land has to protect itself from the dangerous contagions it could receive from its inhabitants. Even though the land is personified in this way, the author still maintains that the expulsion of the land's inhabitants is the outcome of Yahweh's action: "So the land became unclean [through the conduct of the Canaanites] and I visited its iniquity upon it. Then the land vomited out its inhabitants." Thus, the land's vomiting out its inhabitants results from Yahweh's direct involvement.[94] Disgust is thus intended to be shared by all when the land becomes defiled. Yahweh, his people, and their land all (should) express revulsion toward such polluting transgressions.

The ancient Israelite legislator's sense of disgust at particular offenses (in this case, mostly sexual crimes) was not unique in the ancient world. Numerous Hittite legal and ritual texts deem a similar range of sexual misdeeds as repulsive and socially unacceptable. These texts describe such improprieties as *ḫurkel*, a term whose etymology remains unclear.[95] Thankfully, despite this ambiguous etymology, the usage of *ḫurkel* in Hittite texts proves consistent. The term designates unacceptable instances of sexual intercourse with severe legal and/or ritual consequences. Thus, scholars have translated *ḫurkel* as "abomination" or "unpermitted sexual

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Rozin et al., "Disgust," in *Handbook of Emotions*, 2nd ed., edd. Michael Lewis and Jeannette M. Haviland-Jones (New York: Guilford, 2000), 638-639.

[94] Thomas Staubli argues the exact opposite. "The idea of the author is that the behavior of the people defiled the land (ארץ), and that the defiled land was disgusted by the behavior of its inhabitants and therefore vomited them out (Lev 18:25). As in Gen 1:11–12, where God does not create the plants but lets the land (ארץ) bring forth vegetation in its own creative act, here too the land is acting autonomously, this time in a destructive act. Indeed, the ארץ is understood as a being with emotions. Mother earth, deeply rooted in Canaanite mythology seems to stand behind this concept." "Disgusting Deeds and Disgusting Gods: Ethnic and Ethical Constructions of Disgust in the Hebrew Bible," *HeBAI* 6 (2017): 475.

[95] See *HED*, Ḫ, s.v. *ḫurkil*.

pairing."[96] The Hittite Laws define numerous cases of illicit intercourse as *ḫurkel*. These include various forms of bestiality (§§ 187-188, 199-200) and incest (§ 189-195).[97] The laws only state the consequences for *ḫurkel* in cases of bestiality. The animals and humans involved in these acts were subject to the death penalty. Nevertheless, if the king so desired, he could spare the guilty party and have him banished from the city.[98] Whether punished by death or banishment, the individual guilty of *ḫurkel* was considered polluted by the act. He could not appear in person before the king for fear of polluting the royal person. Hoffner also observes:

> *ḫurkel* constitutes an offence against the culprit's city. By committing such an act he has brought impurity upon his fellow townsmen and made them liable to divine wrath. Thus the townsfolk must protect themselves by eradicating the cause of divine wrath, i.e., either by executing the offender(s) or removing them permanently from the town… Townsfolk who banish one guilty of *ḫurkel* must afterward bathe themselves.[99]

Later Hittite ritual texts reflect similar concerns, but present opportunities for individuals guilty of *ḫurkel* to be cleansed of their pollution and restored to society. For example, KUB 41, 11+ contains a ritual for removing the pollution caused by bestiality.[100] Another fragmentary text

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[96] See Ilan Peled, "*'Amore, more, ore, re…'* Sexual Terminology and Hittite Law," in *Pax Hethitica: Studies on the Hittites and their Neighbours in Honour of Itamar Singer,* edd. Yoram Cohen et al., StBoT 51 (Wiesbaden: Harrassowitz, 2010), 255; Harry Hoffner, "Incest, Sodomy and Bestiality in the Ancient Near East," in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Occasion of His Sixty-Fifth Birthday,* ed. Harry A. Hoffner (Neukirchen-Vluyn: Neukirchener Verlag, 1973), 83.

[97] The treatment of bestiality in the Hittite Laws is remarkable for its specificity. First, the laws indicate that intercourse with a horse or mule is not *ḫurkel* (§200). Second, the laws also anticipate the possibility of bestiality occurring without human intent if animals were to "leap" (in sexual excitement) on an individual (§ 199). In such cases, the animal was put to death, but the man or woman involved in the act was not.

[98] See Hoffner, "Incest, Sodomy, and Bestiality," 85.

[99] Ibid., 85.

[100] For a recent discussion of this ritual see Amir Gilan, "The Ewe that was a Scapegoat Bride: A New Look at the Hittite Bestiality Purification Ritual KUB 41, 11+," *ZA* 108/2 (2018): 226-234.

(KBo. 59, 9 obv. 1–9) prescribes a ritual remedy for incest.[101] Clearly, sexual offenses defined as *ḫurkel* defiled those who committed them. Such offenses were considered so unacceptable that they even found mention in a treaty between Šuppiluliuma I and Huqqana of Hayaša:

> But for Hatti it is an important custom that a brother does not take his sister or female cousin (sexually). It is not permitted. In Hatti whoever commits such an act does not remain alive but is put to death here. Because your land is barbaric, it is in conflict(?). (There) one quite regularly takes his sister or female cousin. But in Hatti it is not permitted.[102]

Thus, Israel was not unique in identifying particular sexual pairings as at once repulsive, polluting, and deserving severe punishment.

The disgust response to land-defiling offenses found in Lev 18 and 20 marks such illicit behaviors as foreign and "other." In the parenetic section of both chapters, the legislator identifies the list of land-defiling practices as typical of the Egyptians and Canaanites, the nation(s) that was/were in the land before Israel (Lev 18:3, 24, 28; 20:23). Leviticus 20:24b makes this point explicit when Yahweh states, "I am Yahweh your God, who has separated you from the peoples." The nations who were before Israel defiled the land by their abhorrent practices and were therefore vomited out of it. The legislator marks such behaviors as distinct markers of Israel's cultural identity. Israel is different from Egypt and the Canaanites because it reviles such practices.[103] Should Israel begin committing these offenses, it would abandon its

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[101] Other more fragmentary ritual responses to *ḫurkel* include KBo. 12, 115 (Dupl. IBoT 2, 117), which contains a colophon describing brother-sister relations as *ḫurkel*, the catalogue entry KUB 30, 67 iv 7′–9′, which mentions another ritual dealing with *ḫurkel*, and the ritual fragment HFAC 19.

[102] Translation from Gary Beckman, *Hittite Diplomatic Texts,* 2nd ed, ed. Harry A. Hoffner (Atlanta: Scholars, 1999), 31.

[103] Though the emotion of disgust has its origins in protecting the physical body from poison/infection, it has also developed into an emotion that protects the social body from moral contaminants. According to Rozin, Haidt, and McCauley, "It is our guess that moral offenses involving some reminder of our animal nature (e.g., sex and gore) are more likely to be labeled 'disgusting' than are offenses that don't involve bodily issues (e.g., fraud)." "Disgust," in *Handbook of Emotions*, 2nd ed., edd. Michael Lewis and Jeannette M. Haviland-Jones (New York: Guilford, 2000),

identity as Yahweh's holy people and suffer the same fate as the nations who were formerly vomited out of the land. Thus, the defilement of the land proves quite important to Israel's identity and practice. Polluting the land of Canaan results from an abandonment of Israel's identity by indulging in the illicit practices of the surrounding nations.

2.2 Leviticus 19:29

Another text that reflects concerns with the defilement of the land is Lev 19:29: "You must not profane your daughter by making her commit extra-marital intercourse so that the land does not commit extra-marital intercourse and the land become full of depravity" (*'al tĕḥallēl 'et bittĕkā lĕhaznôtāh wĕlō' tizneh hā'āreṣ ûmālĕ'â hā'āreṣ zimmâ*). This command stands amid a long and diverse series of religious and social regulations. While it does not explicitly mention defilement or impurity, this verse reflects numerous features of the defilement of the land found in Lev 18 and 20: the offense in view is sexual in nature, the land is personified as participating in this sexual misconduct, and the land is filled with a detestable substance, in this case not impurity but "depravity" (*zimmâ*). Scholars disagree about the proper interpretation of this law, so in the pages that follow I first describe the specific action Israelite fathers are prohibited from performing. Then, I proceed to discuss how the land is involved in the offense. Because this text lacks explicit impurity terminology and offers little explanation about what happens to the land in cases of transgression, I keep my discussion brief. While this passage proves suggestive, it adds relatively little to our broader understanding of the defilement of the land.

643. Note how Paul Ricouer likewise notes that sexuality and murder are both associated with impurity because, "in both cases, impurity is connected with the presence of a material 'something' that transmits itself by contact and contagion." *The Symbolism of Evil*, trans. Emerson Buchanan, Religious Perspectives 17 (New York: Harper & Row, 1967), 28.

Leviticus 19:29 proscribes Israelite fathers from permitting their daughters to have extra-marital sexual intercourse (*lĕhaznôtāh*). Sexual activity outside the context of marriage threatened the integrity of the family and social organization of ancient Israel. It created social ties between a woman and a man who was not her husband that might result in confusing outcomes. First, a daughter still residing in her father's house would likely be a virgin waiting to be married. If she engaged in intercourse before marriage, it would have greatly diminished her appeal to potential suitors or, even worse, made her entirely unacceptable as a spouse. Second, sex outside of marriage created potentially confusing inheritance scenarios. Though in biblical law the sons of unwed mothers had no claim to their fathers' inheritance (cf. Num 27:8-11; 36:1-13; Deut 21:15-17), they might nevertheless have made significant objections to this practice and thus threatened to break up family estates, especially when their fathers had no sons by a legitimate wife. Thus, the women engaged in extra-marital intercourse and any possible children resulting from it suffered a significant risk of being left in a socially vulnerable position as unwed mother and "fatherless" child.

But, in Lev 19:29, the nature of the daughter's sexual activity proves quite ambiguous. The causative verb *lĕhaznôtāh* raises one interpretive challenge. This Hiphil form could be interpreted either as an act of compulsion or permission (though the former is far more prevalent in biblical Hebrew). So, the father's agency in his daughter's sexually deviant behavior proves initially unclear.[104] Additionally, the context and function of the daughter's sexual activity is not immediately obvious. Is she acting as a prostitute? Or is she simply engaged in sexual

[104] The Hiphil can describe cases of both compulsion and permission, thus the verb in our passage *lĕhaznôtāh* "to cause/let her commit fornication" could be interpreted in either manner. Again, the causative Hiphil predominates in biblical Hebrew, but not to the complete exclusion of permissive forms. For discussion, cf. IBHS §27.5.

intercourse with another man before marriage? In the pages that follow, I first demonstrate that this law does not concern cult prostitution as many scholars have argued. Such cultic prostitution proves to be a phantom of the modern scholarly imagination and was never practiced in ancient Israel (or the surrounding nations). Then, I discuss the interpretation of *lĕhaznôtāh* and explain the implications of interpreting the verb as either a causative or permissive Hiphil. Finally, I explain how the motive clause at the end of the verse potentially ties this regulation to the defilement of the land.

Formerly, scholars believed that the legislator prohibited fathers from giving their daughters to work as cult prostitutes in Canaanite fertility rituals. In part, this approach emerged from attempts to reckon with the verb *ḥll* (Piel), "to profane."[105] Since the father must not "profane" (*'al tĕḥallēl*) his daughter, these scholars concluded that some kind of religious offense was in view. Recent scholarship, however, has demonstrated that sacred prostitution (sexual acts performed in official religious settings with ritual efficacy) never existed in the ancient Near East.[106] Further, the verb *ḥll* in this verse should not be translated with the technical meaning "to profane" (i.e., to treat the holy as common), but in a figurative sense: "to degrade."[107] Ordinary

[105] See, for example, David Z. Hoffman, *Das Buch Leviticus* (Berlin: Poppelauer, 1905-06), II:57; Karl Elliger, *Leviticus*, HAT I/4 (Tübingen: J. C. B. Mohr [P. Siebeck], 1966), 262; Gordon Wenham, *The Book of Leviticus*, NICOT (Grand Rapids: Eerdmans, 1979), 272.

[106] See Mayer Gruber, "Hebrew Qĕdēšā(h) and her Canaanite and Akkadian Cognates," *UF* 18 (1986): 133-148; Joan Westenholz, "Tamar, Qĕdēšā, Qadištu, and Sacred Prostitution in Mesopotamia," *HTR* 82 (1989): 245-265; Karel Van der Toorn, "Prostitution in Payment of Vows in Ancient Israel," *JBL* 108/2 (1989): 193-205; Kristel Nyberg, "Sacred Prostitution in the Biblical World?," in *Sacred Marriages: The Divine-Human Sexual Metaphor from Sumer to Early Christianity*, edd. Martti Nissinen and Risto Uro (Winona Lake: Eisenbrauns, 2008), 305-320; and more recently, Jessie deGrado, "The *qdesha* in Hosea 4:14: Putting the (Myth of the) Sacred Prostitute to Bed," *VT* 68/1 (2018): 8-40. Scholars have likewise challenged the existence of cultic prostitution in the Greco-Roman world. Cf. S. M. Baugh, "Cult Prostitution in New Testament Ephesus: A Reappraisal." *JETS* 42/3 (1999): 443-460; Stephanie Budin, *The Myth of Sacred Prostitution in Antiquity* (Cambridge: Cambridge University Press, 2008).

[107] See e.g., Jacob Milgrom, *Leviticus 17-22*, 1696; Joseph Fleishman, *Father-Daughter Relations in Biblical Law* (Bethesda: CDL, 2011), 138. Deborah Ellens and Hilary Lipka each argue against this interpretation of *ḥll* and insist that it should be translated, "to profane" in Lev 19:29. For Ellens, because *ḥll* must mean "to profane," Israelite

Israelites were not holy and thus could not be profaned like Yahweh's name (cf. Lev 18:21; 19:12; 20:3), sanctuary (Lev 21:12; Ezek 7:22; 23:39), or other holy things (cf. Ezek 20:13; Lev 19:8; Mal 1:12). Numerous biblical texts use the term *ḥll* with objects that are not holy and thus could not be inappropriately treated as common.[108] In such cases, these objects are typically degraded or treated as insignificant when the object of *ḥll*. For a father to allow his daughter to engage in extra-marital sex would be degrading to her, not a threat to her (supposedly) holy status. Thus, Lev 19:29 does not have in view the possibility of fathers prostituting their daughters in Canaanite fertility rituals, but rather something much more common: having their daughters engage in sexual relations outside the socially acceptable bond of marriage.

While some scholars think Lev 19:29 specifically prohibits fathers from causing their daughters to prostitute themselves, the verb *znh*, used to describe the daughter's sexual activity, denotes a much wider range of behavior than mere prostitution.[109] Though traditionally

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daughters must then be holy in some fashion. She contends, "Just as Israel is consecrated to Yhwh, so also the woman is consecrated to one man. To profane her means that sexual access by more than one man takes place with respect to her" (*Women in the Sex Texts of Leviticus and Deuteronomy: A Comparative Conceptual Analysis*, LHBOTS 458 [New York: T & T Clark, 2008], 116). But, Ellens has argued backwards by claiming that *ḥll* must mean "to profane" and thereby arriving at conclusions about the status of Israelite daughters. The following footnote lists many cases in the Hebrew Bible where things lacking holy status can be the object of the verb *ḥll*. Hilary Lipka takes a more contextually dependent approach. She states that the Holiness Code does not ascribe inherent holiness to the people of Israel, but does command the people to strive for holiness. Thus, those Israelites who lead holy lives grow increasingly sanctified and have an increasing "stock" of holiness. For Lipka, when a father profanes his daughter, "she suffers a loss of all the holiness she has up to this point strived so hard to achieve" ("Profaning the Body: חלל and the Conception of Loss of Personal Holiness in H," in *Bodies, Embodiment, and Theology of the Hebrew Bible*, edd. S. Tamar Kamionkowski and Wonil Kim, LHBOTS 465 [New York: T & T Clark, 2010], 109). In reading the text this way, Lipka treats holiness as a quantifiable substance that can be possessed in greater or lesser measure and lost in certain circumstances. Though a full discussion of the issue is out of place here, I disagree with Lipka's approach to holiness in the Holiness Code material and contend that it is still a status and not a quantifiable substance that one can accrue over time.

[108] These objects include: a father's marriage bed (Gen 49:4; 1 Chr 5:1); a vineyard (Deut 20:6; 28:30; Jer 31:5); the proud (Isa 23:9, parallels *qll*, Hiphil, "to dishonor"); royal authorities and their associated objects and attributes (Ezek 28:7; Ps 89:40[39]; Lam 2:2).

[109] For one example of a scholar who views Lev 19:29 as concerned solely with prostitution, see Joseph Fleishman, *Father-Daughter Relations in Biblical Law*, 139.

translated “to play the harlot” (KJV), *znh* in fact denotes a woman’s engagement in any sexual relations outside marriage.[110] Thus, *znh* certainly entails prostitution (since a prostitute offers sexual intimacy outside marital bonds), but also could be used to describe premarital intercourse and adultery.[111] This wide semantic range allows for divergent interpretations of *lĕhaznôtāh* in Lev 19:29. First, the law surely prohibits fathers from prostituting their daughters. A father in a dire economic situation could have used his daughter’s sexuality for additional income.[112] Such an interpretation of the verse fits well with the causative meaning of *znh* in the Hiphil. When a father offered his daughter’s sexuality as a commodity, he would have jeopardized her future by ruining her prospects as a potential bride.[113] To prostitute one’s daughter would have been a serious abuse of power and mistreatment of a vulnerable member of society. Such mistreatment is made all the worse because it was perpetrated by the man entrusted with protecting and providing for his daughter. Such a dramatic breach of responsibility and forced use of sexuality could have been serious enough to impact the land itself by making it commit *znh* and filling it with *zimmâ*, “depravity,” as appears in the verse’s motive clauses. Alternatively, the Hiphil form

[110] The verb *znh* is only used with female subjects. Phyllis Bird explains, “While male sexual activity is judged by the status of the female partner and is prohibited, or penalized, only when it violates the recognized marital rights of another male, female sexual activity is judged according to the woman's marital status. In Israel's moral code, a woman's sexuality was understood to belong to her husband alone, for whom it must be reserved in anticipation of marriage as well as in the marriage bond.” “‘To Play the Harlot’: An Inquiry into an Old Testament Metaphor,” in *Gender and Difference in Ancient Israel*, ed. Peggy Day (Minneapolis: Fortress, 1989), 77. See also Sophie Lafont, *Femmes, Droit et Justice dans l’Antiquité orientale: Contribution à l’étude du droit penal au Proche-Orient ancient*, OBO 165 (Göttingen: Vandenhoeck & Ruprecht, 1999), 455.

[111] In the case of adultery, biblical Hebrew typically uses the veb *n’p*, which is a technical term for intercourse between a married woman and a man who is not her husband. Nevertheless, in a few places, *n’p*, “to commit adultery,” and *znh*, “to fornicate,” appear in parallel or close conjunction (cf. Isa 57:3; Jer 3:8; 5:7; Hos 4:13-14).

[112] See Milgrom, *Leviticus 17-22*, 1697; Van der Toorn, “Prostitution in Payment of Vows.”

[113] For an alternative, but socially acceptable, way to use a daughter’s sexuality for gain see Ex 21:7-11, where an indebted father could sell his daughter as a concubine to cover his financial losses.

of the *znh* in Lev 19:29 could also be translated as a permissive form: "you must not degrade your daughter by *permitting her to commit extra-marital intercourse*." In this scenario, Israelite fathers would be prohibited from allowing their daughters to engage in sexual activity before marriage by either condoning or ignoring such conduct.[114] Such a scenario, while grammatically possible, appears less likely to be the correct interpretation of Lev 19:29. The father would be less obviously culpable of perpetrating an offense against his daughter. Nevertheless, Lev 19:29 provides so little detail that convincingly adjudicating between these two possibilities ultimately proves impossible. Regardless of whether the author of Lev 19:29 has forced prostitution or permitted pre-marital intercourse in view, the verse clearly warns Israelite fathers to protect their daughters' sexuality before marriage. Additionally, this law reflects a prominent concern found in the land defilement texts of Lev 18 and 20: misuse of sexuality within the family.

The motive clauses of Lev 19:29 connect this prohibition even more strongly to the defilement of the land. Fathers must not allow their daughters to commit extra-marital intercourse, "so that the land does not commit extra-marital intercourse and the land become full of depravity" (*wĕlō' tizneh hā'āreṣ ûmālĕ'â hā'āreṣ zimmâ*). A number of scholars (e.g., Levine and Milgrom) interpret the motive clause as a warning that violation of this prohibition will lead the rest of the nation into extra-marital intercourse. In other words, *hā'āreṣ*, "the land," functions here as a metonymy for the people as a whole.[115] Allowing Israel's daughters to have sex outside

[114] See Hilary Lipka, "The Offense, Its Consequences, and the Meaning of זנה in Leviticus 19:29," in *Sexuality and Law in the Torah*, eds. Hilary Lipka and Bruce Well (London: T & T Clark, 2020), 167; Fleishman, *Father-Daughter Relations in Biblical Law*, 139; Lipka, "Profaning the Body," 108. Compare the ruling in Deut 22:13-21, which describes a woman guilty of "committing fornication in her father's house" (*liznôt bêt 'ābîhā*). There the offense is punishable by death because Israel must "purge the evil from your midst" (*ûbi'artā hārā' miqqirbekā*).

[115] See, e.g., Levine, *Leviticus*, 133; Milgrom, *Leviticus 17-22*, 1697; Staubli, *Die Bucher Levitikus Numeri*, NSKAT 3 (Stuttgart: Katholisches Bibelwerk, 1996), 162; Lipka, "Profaning the Body," 110; idem, "The Offense, Its Consequences, and the Meaning of זנה in Leviticus 19:29," 175-176.

marriage would increase men's access to sexually available women and set an example for other young women to follow. If these scholars are correct, then Lev 19:29 has no connection to the defilement of the land since violations of the prohibition have no impact on the land itself, but rather the people of Israel.

In my understanding, violations of Lev 19:29 negatively impacted the land of Israel itself, not merely the people, and thus caused the land to become defiled. Though less popular in current scholarship, this approach makes sense of several unusual features in the law. First, this verse personifies the land of Israel. The land "commits fornication" (*tizneh*) if Israel breaks the law. Such personification should be unsurprising to readers of Leviticus since it also appears in chapters 18 and 20, where the land vomits out its inhabitants when it becomes defiled. Thus, surrounded as it is by two chapters in which the land is personified, the land's activity in Lev 19:29 should also be interpreted as a personification of Israel's territory.

Second, the kind of personification found in this verse fits the profile of another passage clearly concerned with the impact of delinquent behavior on the land. Deuteronomy 21:1-4 (a text concerned with defilement of the land and discussed in the next chapter), indicates that a wife's remarriage to her husband could "cause the land to sin" (Deut 24:4, using Hiphil of *ḥṭ'*). In other words, Israel's offenses could be mirrored by the land. Leviticus 19:29 presents a similar case. When a father leads his daughter into extra-marital intercourse, the land follows suit and commits the same offense itself.[116]

Third, this verse depicts violations of the law as filling the land with an unsavory substance: *zimmâ*, "depravity." While this term does not itself denote impurity, it is associated

[116] See Feinstein, *Sexual Pollution*, 124, 141.

with the defilement of the land in the surrounding context, as discussed above (Lev 18:17; 20:14). Fourth, the motive clauses of Lev 19:29 likely concern the defilement of the land because the verse proscribes a sexual transgression like those listed in Lev 18 and 20. The only other sexual transgression in the chapter is Lev 19:20-22, which may contain mitigating factors (such as the *'āšām* sacrifice) that prevented defilement of the land. Thus, the nature of the offense in Lev 19:29 links it to other land-defiling texts in the surrounding context.

Finally, even some early interpreters read Lev 19:29 as a case of polluting the land. The Vulgate renders the first motive clause (*wĕlō' tizneh hā'āreṣ*) as *et contaminetur terra*, "and defile the land."[117] Regardless of how this rendering of the verse came about (by interpretive translation in the Vulgate or some earlier modification to the Hebrew text of its Vorlage), it shows that some early interpreters considered Lev 19:29 as a case of pollution of the land.[118] Nevertheless, though Lev 19:29 does appear to concern the defilement of the land, it gives no explanation of the results or potential remedies of such defilement. As a result, this verse only provides us with an additional transgression that could defile the land and little further information about the subject.

In summary, Lev 19:29 prohibits Israel's fathers from making their daughters' sexuality available before marriage, whether through prostitution (more likely) or enabling pre-marital sex (less likely). To enable such sexual activity would threaten the social order of ancient Israel, disrupting familial relationships and patterns of marriage. But, the social consequences of this

[117] Note that Moshe Weinfeld considers several texts using the verb *znh* (including this one) as passages describing the land's defilement. "On 'Demythologization and Secularization' in Deuteronomy," *IEJ* 23/4 (1973): 232.

[118] Some modern interpreters agree. See, e.g., Ruwe, *"Heiligkeitsgesetz" und "Priesterschrift": Literaturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1-26,2*, FAT 26 (Tübingen: Mohr Siebeck, 1999), 215.

transgression are not the only concern. Such fatherly failures also defile the land, filling it with depravity and causing it to engage metaphorically in illicit sexual behavior itself.

2.3 Numbers 35:9-34

Not all land-defilement texts concern sexual and religious offenses. In Num 35:9-34, we find a focus instead on violent bloodshed and its consequences. The greater part of this passage discusses the distinction between murder and manslaughter, highlighting the consequences for both offenses: death for murder and residence in an asylum city for manslaughter. At the conclusion of the chapter, however, the author indicates that violent bloodshed has an impact on the purity of the land:

> *wĕlō' taḥănîpû 'et hā'āreṣ 'ăšer 'attem yōšĕbîm bāh kî haddām hû' yaḥănîp 'et hā'āreṣ wĕlā'āreṣ lō' yĕkuppar laddām 'ăšer šuppak bāh kî 'im bĕdam šōpĕkô wĕlō' tĕṭammĕ'û 'et hā'āreṣ 'ăšer 'attem yōšĕbîm bāh 'ăšer 'ănî šōkēn bĕtôkāh kî 'ănî yhwh šōkēn bĕtôk bĕnê yiśrā'ēl*
>
> "Do not pollute (*taḥănîpû*) the land in which you dwell. For blood pollutes (*yaḥănîp*) the land and atonement cannot be made for the land for the blood which is shed in it except by the blood of the one who shed it. Do not defile (*tĕṭammĕ'û*) the land in which you dwell, where I reside in your midst. I am Yahweh, who resides in the midst of the Israelites" (Num 35:33-34).[119]

These two verses raise a number of important questions, which I address in the material that follows. First, Num 35:33 employs the uncommon verb *ḥnp* (Hiphil), which is typically translated "to pollute." This verb proves important in this passage and other land-defilement texts treated in succeeding chapters. Thus, I begin my discussion by demonstrating that the Hiphil of *ḥnp* does in fact denote pollution in these texts despite some recent objections to this translation.

[119] Note that my transliteration and translation reflect two emendations to the text. First, several MSS, SP, LXX, S, and V all read *yōšĕbîm* in verse 33. Second, in verse 34, several MSS, SP, LXX, S, and T (Onkelos and Pseudo-Jonathan) read a plural form of *ṭm'*, which I adopt in my translation.

Second, I demonstrate that even though murder and manslaughter receive different penalties in Num 35, both offenses have the power to defile the land when unaddressed. It is not simply murder that brings pollution on Israel's terrain; even unintentional killing results in impurity. Third, I discuss the question of whether the land can be cleansed after defilement. I explain that Num 35:33 provides a way for the land to be purified, which implies that other land-defilement texts may also involve means for cleansing the land's defilement. Fourth, I close this section by exploring the purpose of land defilement in Numbers 35. I conclude that the legislator has included this material to urge Israel to "judicial fidelity": a careful and faithful administration of the laws laid out in this chapter. Comparison with Lev 18 and 20 suggests that the same dynamic is at play in those chapters.

2.3.1 The Meaning of ḥnp *in Numbers 35:33*

Twice in Num 35:33, the legislator uses the verb *ḥnp* (Hiphil) to describe the impact violent bloodshed might have on Israel's land. English Bibles since the KJV have translated *ḥnp* here as "pollute" and most scholars have followed this tradition.[120] Nevertheless, Feinstein has contended that etymological evidence, biblical usage, and Semitic cognates do not support interpreting *ḥnp* as a verb of contamination. She contends instead that *ḥnp* expresses (typically moral) corruption, an idea closely related to, but not identical with contamination/pollution.[121] Feinstein's argument against the translation tradition ought to be answered in the process of

[120] See, e.g., Milgrom, *Leviticus 17-22*, 295; Levine, *Leviticus*, 560. Hieronymus Christ observes that 7 of 10 uses of *ḥnp* in the Hebrew Bible describe the pollution of the land [note that *ḥnp* actually occurs 11 times, but two uses of the verb appear in a tautological infinitive construction in Jer 3:1, which Christ may have counted as only one occurrence]. *Blutvergiessen im Alten Testament: der gewaltsame Tod des Menscehen untersucht am hebräischen Wort* dām (Ph.D. diss., University of Basel, 1971), 83-84.

[121] See Feinstein, *Sexual Pollution*, 22, 195-196, n. 63.

analyzing Num 35:33-34 as a land defilement text.[122] Thus, in the following pages I demonstrate that *ḥnp* does in fact describe pollution in some texts even while denoting moral corruption in several other places.

The Hebrew root *ḥnp* appears in 23 verses of the Hebrew Bible (in both verbal and nominal forms), always carrying a negative connotation.[123] The root *ḥnp* in its nominal and verbal forms describes only two types of entities in the Hebrew Bible: people and land.[124] In texts where people are described as *ḥnp*, the forms of the root are primarily nominal (14 nominal forms; 2 verbal forms).[125] In these passages, the root clearly designates people who do and speak evil (Isa 9:16 [//*mēra'*, *dōbar nĕbālâ*, "doing evil, speaking outrage"]; Isa 32:6 [//*nĕbālâ yĕdabbēr*, *ya'ăśeh 'āwen* "speaking outrage, doing wickedness"]; Isa 33:14 [//*ḥaṭṭi'îm* "sinners"]; Job 20:5 [//*rĕšā'îm* "the wicked"]). Other texts indicate that those who are *ḥnp* forget God (Job 8:13), cannot enter God's presence (Job 13:16), and ensnare others (Job 34:30). Antonyms include the upright and innocent (*yĕšārîm*, *nāqî* [Job 17:8]) as well as the righteous (*ṣaddîqîm* [Prov 11:9]). While the precise semantic range of *ḥnp* in these texts is quite difficult to determine, the term doubtless designates immoral and antisocial behavior when applied to people. But does *ḥnp* bear the same meaning when describing the land?

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[122] But note that even if *ḥnp* does not denote defilement, the legislator still uses the Piel of *ṭm'*, "to defile," in v. 34.

[123] *Ḥnp* appears in Num 35:33[2x]; Isa 9:16; 10:6; 24:5; 32:6; 33:14; Jer 3:1[2x], 2, 9; 23:11; Mic 4:11; Ps 35:16; 106:38; Job 8:13; 13:16; 15:34; 17:8; 20:5; 27:8; 34:30; 36:13; Prov 11:9; Dan 11:32.

[124] See TDOT, s.v. חָנֵף, חֹנֶף, חֲנֻפָּה, 38.

[125] Texts associating *ḥnp* with people are Isa 9:16; 10:6; 32:6; 33:14; Jer 23:11; Ps 35:16; Job 8:13; 13:16; 15:34; 17:8; 20:5; 27:8; 34:30; 36:13; Prov 11:9; Dan 11:32.

Every text in which *ḥnp* is applied to the land (with the sole exception of Mic 4:11) has been treated in previous scholarship as a land-defilement text.[126] If Feinstein has argued correctly that *ḥnp* does not denote contamination or pollution, then this group of passages would need to be reinterpreted. Nevertheless, I argue that these texts treat the defilement of the land and *ḥnp* should accordingly be translated "to pollute." Each of these verses uses a verbal form of the root (either Qal or Hiphil). The strongest argument in favor of translating *ḥnp* as a pollution term is its repeated appearance in parallel with *ṭm'*, "to defile" (Num 35:33-34; Ps 106:38-39). Perhaps the most intriguing such parallel appears in Jer 3:1 (discussed in more detail in Chapter 4), which reads, "'If a man divorces his wife and she goes from him and becomes another man's wife, will he return to her again? Would not that land be greatly *defiled*? [*hălô' ḥānôp teḥĕnap hā'āreṣ hahî'*] But you have committed extra-marital intercourse with many companions, and would you return to me?' declares Yahweh." Here, Jeremiah invokes the law on divorce and remarriage found in Deut 24:1-4, specifically verse 4: "Her former husband, who divorced her, cannot return to take her as his wife since she has been defiled [*huttammā'â*], for that is an abomination before Yahweh. Do not make the land to sin [*taḥăṭî'*], which Yahweh is giving you as an inheritance." The striking parallel between these two verses appears in Jeremiah's modification of the rare Hothpaal form of *ṭm'* from Deut 24:4 into the Qal of *ḥnp* in Jer 3:1. Where Deuteronomy indicates that the wife has defiled herself with the root *ṭm'*, Jeremiah metaphorically applies the same concept to the land, indicating that it too has become unclean, but this time using the verb *ḥnp*. Thus, numerous texts employ *ḥnp* as a synonym to *ṭm'*, "defile."

[126] Texts associating *ḥnp* with the land or some smaller area are Num 35:33[2x]; Isa 24:5; Jer 3:1[2x], 2, 9; Mic 4:11; Ps 106:38.

Additional evidence for translating *ḥnp* as "pollute" can be found in the Versions. In Num 35:33, all of the Versions translate *ḥnp* with some term denoting pollution: LXX *phonoktoneō*, "pollute with murder or blood"; T Onkelos *s'b* (D), "to defile"; T Pseudo-Jonathan *ṭnp* (D), "to pollute"; S *ṭnp* (D), "to pollute"; V *polluatis*, "to pollute" and *maculatur*, "to pollute, taint". The ancient translations of *ḥnp* in Ps 106:38 are quite similar: LXX *ephonoktonēthē*, "polluted by blood"; T *ṭnp* (Dt) "polluted"; S *ṭnp* (Dt) "polluted" (V *interfecta*, "killed, destroyed" does not fit the pollution concept). The ancient treatment of Jer 3:1, 2, 9 also demonstrates that translators considered *ḥnp* as a term of pollution: LXX uses *miainō*, "to pollute"; S uses *ṭnp* (D/Dt), "to pollute/be polluted"; V uses *polluo*, "to pollute, infect, defile" and *contamino*, "to corrupt, defile" (T avoids pollution language, but interestingly uses *ḥwb* [G/D] to describe the land as being guilty [G] and made to sin [D]). Of all the land defilement texts using *ḥnp*, only in Isa 24:5 do the Versions fail to translate *ḥnp* as a term of pollution: G *ēnomēsen*, "acted lawlessly"; T *ḥbt* "became guilty, committed a crime"; S *'tdmyt* "imitated, was in the guise of"; V *interfecta*, "was killed, destroyed." In this latter case, however, the Versions seem somewhat confused about what to make of *ḥnp* since they translate the term in quite diverse ways. Finally, in Mic 4:11, though the Versions prove quite diverse, S uses *ṭnp* (Dt) to translate *ḥnp*. Thus, evidence from the ancient translations supports the conclusion that *ḥnp* sometimes denotes pollution.

One more kind of evidence needs to be considered in determining whether *ḥnp* can denote pollution: Semitic cognates. Feinstein argues that the cognates of *ḥnp*, "*all* denote immoral behavior."[127] But, a closer examination of the cognate evidence suggests that

[127] *Sexual Pollution*, 195, n. 63, emphasis mine.

Feinstein's conclusion should be significantly modified. The most important cognates for Biblical Hebrew *ḥnp* appear in Ugaritic, Akkadian, Jewish Palestinian Aramaic, and Syriac. Here, I consider these cognates in turn and demonstrate that the evidence for *ḥnp* as a term only denoting immoral behavior proves less compelling than Feinstein suggests.

The verb *ḫnp* appears two times in the corpus of Ugaritic texts (KTU 1.82.15; KTU 1.18.17). DULAT translates the verb, "to act perversely," which fits well with Feinstein's contention that *ḥnp* always denotes immoral behavior.[128] Nevertheless, a closer examination of KTU 1.82, a composite ritual text against snakebite, reveals that this text does not offer sufficient contextual evidence to determine the meaning of *ḫnp* using only the Ugaritic material. KTU 1.82.15, a badly damaged text, (possibly!) reads [xx *n*]*ḥš* . *nm*[xxxxx]*l* . *w yḫnpk*[ ].[129] In Gregorio del Olmo Lete's translation of this line, the only term he translates is *yḫnpk*, "he will act perversely."[130] We might consider what translation of *ḫnp* would make most sense in an incantation against snakebite, but neither translating *ḫnp* as "defile" or "act perversely" seems obviously warranted by the ritual context. Naturally, then, the meaning of this verb has not been derived from its use in these Ugaritic texts (since the meaning of the context remains unknown), but from comparison with other Semitic cognates (most notably Biblical Hebrew). KTU 1.18.17

[128] See s.v., *ḫnp*. Note, however, that DULAT recognizes only the verbal form of *ḫnp* in KTU 1.82.15 and fails to include a separate entry for the noun *ḫnp* in KTU 1.18.17.

[129] My reading of the Ugaritic tablet depends on hand copies and photographs from Virolleaud, *PRU* II, 4, pl. IV; Gregorio Del Olmo Lete, *Incantations and Anti-Witchcraft Texts from Ugarit*, SANER 4 (Berlin: De Gruyter, 2014), pls. 1-2.

[130] See *Incantations and Anti-Witchcraft Texts from Ugarit*, SANER 4 (Berlin: De Gruyter, 2014), 111. Other scholars likewise refrain from translating this line. See, e.g., Manfried Dietrich and Oswald Loretz, "Beschwörung gegen Dämonen und Totengeister auf einer Sammeltafel (KTU 1.82)," in *Texte aus der Umwelt des Alten Testaments 2/3*, ed.O. Kaiser (Gütersloh: Gütersloher Verlagshaus, 1988), 339. Johannes C. de Moor and Klaas Spronk offer the most extensive translation of the line: "[If] suddenly [ ] ap[pears] as a [night-de]mon and he treats you viciously. In their comments on the text, they note that *ḫnp* means, "to defile, treat viciously," though they prefer the latter rendition in their translation. "More on Demons in Ugarit," *UF* 16 (1984): 243;

provides no more sure foundation to determine the meaning of the Ugaritic root *ḫnp*. Here, a nominal form appears in a much more legible line in the story of Aqhat: *yd'tk . bt . k ånšt . wï*[*n bỉlht*] *qlṣk . tb' . bt . ḫnp . lb*[*k* …], "I know you, my daughter, that you are manlike and [among the goddesses there is no] contempt (like) yours. Go, my daughter, the *ḫnp* of [your] heart […]" (KTU 1.18.16-17).[131] In their treatments of this text, scholars translate the noun *ḫnp* differently. Pardee translates as "anger" and Wright translates similarly as "evil(?)."[132] Margalit, on the other hand, notes that the expression *ḫnp lb*[*k*] corresponds to a phrase found in Job 36:13 *wĕḥanpê lēb yāśîmû ʾāp*, which he translates, "But those of polluted heart become enraged." Thus, Margalit renders the Ugaritic term as a word denoting pollution.[133] Unfortunately, adjudicating between these translations proves largely impossible because the end of the text breaks off, leaving us uncertain how *ḫnp* functions in the passage. In both KTU 1.82.15 and KTU 1.18.17, scholars cannot interpret the Ugaritic root *ḫnp* with any certainty. While the term may denote some kind of immoral action, as Feinstein argues, we cannot conclude this with any confidence due to the broken and unclear contexts in which it appears.

The next important cognates of BH *ḥnp* are the Akkadian terms *ḫanāpu* (v.), *ḫannipu* (n.), and *ḫanpu* (n.). These words are extremely rare in Akkadian, appearing almost exclusively in the Amarna letters. According to the Akkadian dictionaries, these terms denote acts of villainy, which fits well with Feinstein's contention that cognates of BH *ḥnp* describe corrupt

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[131] Compare the similar translations of Dennis Pardee, *COS* I:348; and David Wright, *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat*, (Winona Lake: Eisenbrauns, 2001), 125.

[132] See ibid.

[133] "Lexicographical Notes on the *Aqht* Epic." *UF* 15 (1983): 95. In the same place, Margalit makes the intriguing suggestion that BH *ḥnp* actually represents two distinct proto-Semitic roots: *ḫnp*, "to pollute; render vile" (cf. Ugaritic *ḫnp* and Amarna Akkadian *ḫanāpu*) and *ḥnp*, "to twist, turn in a wrong direction" (cf. Arabic *ḥanifa*).

behavior.[134] The noun *ḫannipu* appears only in EA 162:74-75, which reads LÚ *pa-ma-ḫa-a ša ḫa-an-ni-pa i-de$_4$-e-i-ú ša-šu <ša> u-bá-a-ra il-tá-na-aṣ*, "the commissioner, who is expert in sacrilege, that fellow <who> has mocked a resident-alien."[135] The "commissioner" is one of a series of individuals Aziru is commissioned to apprehend for the king of Egypt. According to Moran, "The charge seems to refer to a serious breach of international law involving a foreign dignitary."[136] Similarly, in EA 288:7b-8, Abdi-Ḫeba complains to the Egyptian king about some kind of mistreatment: *ḫa-an-pa* ^{8}*ša iḫ-nu-pu a-na mu-ʾḫiʾ-ia*, "It is, therefore, impious what they have done to me."[137] Again, the offense described by the root *ḫnp* (in this case the verb *ḫanāpu* and the cognate accusative *ḫanpu*) appears to be some kind of military/political violation. Thus, in both EA 162:74-75 and EA 288:7b-8, the root *ḫnp* describes serious violations of political norms.[138] But, one last occurrence of the root *ḫnp* may indicate an association with issues of religion and purity. The text in question claims to be a letter from Samsu-iluna to Hammurabi of Babylon, but numerous anachronisms in the text indicate that it was written at a later date.[139] The

[134] See CAD Ḫ, s.v. *ḫanāpu* A, "to commit villainy;" *ḫannipu*, "vileness;" *ḫanpu*, "villainy;" AHw, s.v. *ḫanāpu*, "Gemeinheit begehen;" s.v. *ḫannipu*, "Gemeinheit." Note that AHw has no entry for the noun *ḫanpu*.

[135] Translation from William L. Moran, *The Amarna Letters* (Baltimore: The Johns Hopkins University Press, 1992), 250. Compare the similar translation in Anson F. Rainey, *The El-Amarna Correspondence: A New Edition of the Cuneiform Letters from the Site of El-Amarna based on Collations of all Extant Tablets*, edd. William Schniedewind and Zipora Cochavi-Rainey, HdO 110 (Leiden: Brill, 2015), I:807.

[136] Moran, *The Amarna Letters*, 251, n. 13.

[137] Translation from ibid., 331.

[138] Moran's translations use terms like "sacrilege" and "impious," which suggests some kind of religious offense. Yet, nothing in the context seems to indicate that issues of religion or purity are involved in these cases. Though Moran does not discuss the Akkadian terms sharing the root *ḫnp*, it would appear that his translations are influenced by an understanding of Biblical Hebrew *ḥnp* that involves some component of defilement or sacrilege.

[139] See F. N. H. Al-Rawi and Andrew R. George, "Tablets from the Sippar Library III: Two Royal Counterfeits," *Iraq* 56 (1994): 135.

letter begins with a caustic critique of the priesthood in all the Babylonian cult centers: ^{9}*sar*$^{!?}$*-ra-a-tam i-ta*$^{!}$*-ḫaz an-zil*$^{!}$*-lum ik-tab-su da-me il-*^{r}*tap-tu*$^{\urcorner}$ ^{10}*la šal-ma-tum i-ta*$^{!}$*-mu-ú šap-la-nu ilī*$^{meš!}$*-šu-nu ú-ḫa-an-na-pu*$^{!?}$ ^{11}*ú-šá-an-na*$^{?}$*(QA)-pu*, "[they] have taken to falsehood, committed an abomination, been stained with blood, spoken untruths. Inwardly they profane and desecrate their gods" (Sippar Library 8.B.4:9-11).[140] The forms of particular interest here are *ú-ḫa-an-na-pu* and ^{11}*ú-šá-an-na-pu*, which Al-Rawi and George identify as D and Š forms of the verb *ḫanāpu*. Of course, since *ḫanāpu* appears nowhere else in these verbal stems, the editors note that their translation, "profane" and "desecrate" is "highly provisional."[141] If this translation proves correct, it would significantly favor interpreting the root *ḫnp* as associated with profanation and defilement.[142] Thus, the Akkadian evidence for the root *ḫnp* offers more information than the Ugaritic cognate, but still leaves open the possibility that *ḫnp* could describe either corrupt behavior or acts of profanation/defilement.

Lastly, cognates of BH *ḥnp* in Aramaic dialects create a tension between interpreting the root as describing moral corruption or religious offense.[143] Feinstein observes that in JPA, the root *ḥnp* clearly denotes moral corruption.[144] The verb *ḥnp* means, "to deceive," and the noun

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[140] Text and translation from ibid., 137-138. Note that the letter exists in two manuscripts. The transcription above comes from MS a (Sippar Library 8.B.4). The transcription of Ms b (*UET* VII 155, rev. col. V) reads as follows: ^{12r}x-*ar-a-ta*$^{\urcorner}$ ^{13} *i-taḫ-ḫa-za a*[*n-zil-lu*]*m ik-tab-su* ^{14}*da-mu* ^{r}*il*$^{\urcorner}$*-tap-t*[*u l*]*a šal-ma-a-tú* ^{15} *i-ta-mu-ú ina ša*[*p-l*]*a-nu* ^{16}*ilī*^{meš}*-šu-nu ú-kan-n*[*a*-x] ^{r}x$^{\urcorner}$ ^{17}*ú-šá-an-na-bi.*

[141] Al-Rawi and George, "Tablets from the Sippar Library III," 139. The appearance of *ḫanāpu* in this text produced in Mesopotamia also opens the possibility that this verb is not a West Semitic loan into Akkadian, as has long been suggested based on the evidence of the Amarna letters.

[142] Note that Al-Rawi and George translate EA 288:7-8 as "the profanity they committed." Ibid., 139.

[143] Note that there is an Arabic cognate (*ḥanafa*) to BH *ḥnp*, but the term's meaning is quite remote, "to incline, decline." See Lane, 658.

[144] *Sexual Pollution*, 195, n. 63.

from the same root means, "flattery, hypocrisy."[145] But, in Syriac, the root *ḥnp* does denote specifically religious offenses. The verb *ḥnp* appears in several verbal stems, meaning "to lead into paganism" (D), "to become pagan" (C), "to become impious" (Dt).[146] The noun *ḥanpā'* means, "gentile, heathen" and the related noun *ḥanpûtā'* means "impiety; paganism."[147] While these Syriac cognates do not specifically denote pollution, they are restricted to the religious sphere in describing actions and individuals that do not accord with the speaker's religion.

In summary, the cognates of Biblical Hebrew *ḥnp* ultimately provide too little clear information to determine whether or not *ḥnp* might denote defilement. Even if every attestation of the root in the cognate languages were well understood (which is far from the case!), *ḥnp* appears so infrequently that the evidence would still have to be considered relatively inconclusive. Yet, the cognate evidence does raise significant suspicions that Feinstein has overstated the case when she claims *all* cognates of biblical Hebrew *ḥnp* denote immoral behavior. As a result, the biblical Hebrew evidence ought to drive our interpretation of *ḥnp*. And, as demonstrated above, the biblical Hebrew use of *ḥnp* strongly suggests the root does in some places denote pollution. Nevertheless, I do not agree with Jonathan Klawans that *ḥnp* is a "technical term that articulated the defiling force of sins."[148] The biblical evidence does not substantiate such a sweeping conclusion. If one could say anything universal about the defiling

[145] See Michael Sokoloff, *A Dictionary of Jewish Palestinian Aramaic* (Baltimore: The Johns Hopkins University Press, 2002), 209.

[146] See idem, *A Syriac Lexicon: A Translation from the Latin, Correction, Expansion, and Update of C. Brockelmann's Lexicon Syriacum* (Winona Lake: Eisenbrauns, 2009), 244.

[147] Ibid., 244.

[148] *Impurity and Sin in Ancient Judaism*, 28. Note that Klawans follows Büchler (*Studies in Sin and Atonement*, 218-219) in making this conclusion.

force of *ḥnp*, it would be that such defilement affects a territory or space and not persons. As a result, when *ḥnp* appears in Num 35:33, it should be interpreted as a term indicating defilement of the land synonymous to *ṭm'* in Num 35:34.

2.3.2 The Extent of the Defiling Force of Bloodshed

If Num 35:33-34 does indicate that the land could be defiled by bloodshed, we must determine which cases of bloodshed cause this defilement. Scholars generally agree that all violent shedding of human blood by individuals (i.e., both murder and manslaughter) can defile the land.[149] Capital punishment and warfare, as state-sanctioned forms of violence, do not defile the land.[150] But violent bloodshed outside the purview of the state's discretion, whether intentional or unintentional, threatens the land's purity. Several features of Numbers 35 make clear the defiling force of both murder and manslaughter.

First, Num 35:33 states that "blood" (*dām*) pollutes the land, without differentiating between blood shed intentionally and blood shed unintentionally. According to the text, the outcome of the killer's action (shed blood) causes the pollution, not the agent's deed (killing) or state of mind (intended v. unintended).[151] Note also that Numbers 35 uses the same language for

[149] There are exceptions to this broad consensus such as Ludwig Schmidt, *Das vierte Buch Mose: Numeri 10,11-36,13*, ATD 7/2 (Göttingen: Vandenhoeck & Ruprecht, 2004), 222.

[150] The state's involvement in capital punishment and warfare legitimates these violent acts. These state-sanctioned forms of violence undergird and strengthen Israel's social fabric. To the contrary, murder and manslaughter, as unpredictable and individually motivated acts of violence, tear apart Israelite society.

[151] Note, however, that the manner in which blood is shed affects its polluting potency. As mentioned above, blood spilled in warfare and capital punishment does not pollute the land. So, the blood that pollutes emerges from particular illicit actions.

both murder and manslaughter: *rṣḥ*.[152] The text does not distinguish between the two in its terminology. Since both murder and manslaughter are described by the same term for killing (*rṣḥ*) and share the same result (*dām*, "blood"), the additional outcomes of both actions (including pollution of the land) should be the same. [153]

Second, if the manslayer failed to abide in his asylum city, he was subject to death at the hands of the blood avenger (*gō'ēl haddām*).[154] Thus, the manslayer who did not avail himself of the refuge offered by law was subject to the same penalty as a murderer.[155] This equivalent penalty suggests that both offenses (murder and manslaughter) share a common set of outcomes, one of which is defilement of the land. Though the manslayer could survive his offense by taking refuge in the asylum city, the consequences of his violent act still needed to be remedied.

Third, the mandate for manslayers to abide in an asylum city until the high priest's death implies that even unintentional killing defiles the land and requires remediation.[156] The manslayer's term of refuge plays, in part, a punitive role by restraining him from his family and

[152] The verb *rṣḥ* appears 46 times in the Hebrew Bible, only 13 of which are in narrative texts. The remaining uses of the verb occur in legal texts, all but three of which concern asylum cities. Note also that *rṣḥ* is never used of killing in battle, self-defense, or suicide. See TDOT, s.v. רָצַח.

[153] See Milgrom, *Leviticus 17-22*, 291; Wenham, *Leviticus*, 266.

[154] The blood avenger was a family member of the victim of murder/manslaughter, tasked with bringing the perpetrator to justice by execution. This familial involvement in executing the offender was not a form of revenge after the death of a loved one, but a state-sanctioned means of enforcing retributive, *lex talionis*, justice.

[155] See Kevin Mattison, "Contrasting Conceptions of Asylum in Deuteronomy 19 and Numbers 35," *VT* 68 (2018): 238. Note also the interesting, but ultimately unconvincing, explanation of Alan Grad: "As long as the murderer was free to walk in the land he was subject to the demands for expiation of the earth; once in the city of refuge, however, the killer was in effect in exile, and the land was rid of the man who carried a blood stigma... The banishment from the land to the city of refuge is remarkably similar to the case of Cain who was exiled from his land and eventually built a city (Gen 4:17) in which he could settle" "Studies in Biblical Uses of the Word *Dām*," (Ph.D. diss., Brandeis University, 1976), 76.

[156] The high priest's death as remedy for the defiled land is discussed in more detail in the following section.

property. But, this punishment terminates with the death of the high priest, an event that results in purification of the defiling force of the manslayer's deed (among other things). Some scholars have even suggested that the manslayer's confinement in the city of refuge isolated the pollution caused by his deed until it could be purified through the high priest's death. Mattison helpfully observes:

> Levitical cities, more than being merely distributed throughout the land, were effectively extraterritorial. A killer who leaves his Levitical asylum city is said to cross the city's "boundary" (גבול vv. 26-27). Nowhere else in the Hebrew Bible is a city described as having a boundary. The unique phrase גבול עיר מקלטו emphasizes the separateness of the (Levitical) asylum city from the surrounding tribal territory. Moreover, Num 35:32 forbids the manslayer to "dwell in the land" (שׁבת בארץ). This suggests that when the killer is in a Levitical city, he is effectively not "in the land" and therefore not subjecting the land to blood pollution.[157]

Regardless of precisely how the defiling force of manslaughter works (whether it always defiles or only when the manslayer leaves his city of refuge), the unintentional killing of another person always had the potential to defile the land of Israel.

2.3.3 Means for Cleansing the Land from Bloodshed

Numbers 35:33 raises a new question concerning defilement, not yet encountered in this survey of priestly literature: Can the land be cleansed from its defilement? The verse states, "Do not pollute the land in which you dwell. For blood pollutes the land and atonement cannot be made (*lō' yĕkuppar*) for the land for the blood which is shed in it except by the blood of the one who shed it." At first glance, this verse appears to suggest that the defilement caused by murder

[157] "Contrasting Conceptions of Asylum," 249-250. See also Timothy Ashley, *The Book of Numbers*, NICOT (Grand Rapids: Eerdmans, 1993), 656.

and manslaughter could be reversed due to the clear exception clause. Nevertheless, numerous scholars contend that the Hebrew Bible offers no remedy for the land's defilement.[158]

Despite weighty arguments to the contrary, I contend that the land could be cleansed from the defilement of murder and manslaughter. In what follows, I explain that purification for murder came through blood vengeance (as stated in Num 35:33). In the case of manslaughter, however, since the offender was not subject to the death penalty, purification was achieved through the death of the high priest. The results of the high priest's death in Numbers 35 prove to be unique in the ancient Near East. As a result, scholars have explained the efficacy of the high priest's death in a number of different ways. But, no explanation focused on a single legal or ritual remedy captures all the most important facets of the high priest's death.

Numbers 35:33 expresses the possibility of purifying the land from defilement using the verb *kippēr*. There is neither space nor need here to review the extensive literature on the meaning and use of *kippēr* in the Hebrew Bible.[159] The root *kpr* appears two other times in Num 35, both times in the nominal form *kōper*, "ransom" (Num 35:31-32). In these verses, the

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[158] For several exemplary passages denying that the land can be purified, see Michal Hundley, *Keeping Heaven on Earth: Safeguarding the Divine Presence in the Priestly Tabernacle*, FAT II/50 (Tübingen: Mohr Siebeck, 2011), 178, 181; Klawans, *Impurity and Sin*, 30; Milgrom, *Leviticus 17-22*, 1404-1405, 1573; and Tikva Frymer-Kensky, "Pollution, Purification, and Purgation in Biblical Israel," in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of His Sixtieth Birthday*, edd. Carol L. Meyers and M. P. O'Connor (Winona Lake: Eisenbrauns, 1983), 407-408.

[159] The interested reader should consult Jay Sklar, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions*, HBM 2 (Sheffield: Sheffield Phoenix, 2015); Yitzhaq Feder, *Blood Expiation in Hittite and Biblical Ritual: Origins, Context, and Meaning*, WAWSup 2 (Atlanta: Society of Biblical Literature, 2011), 167-207; idem, "On *kuppuru, kipper* and Etymological Sins that Cannot be Wiped Away," *VT* 60 (2010): 535-545; Roy Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy*, (Winona Lake: Eisenbrauns, 2005), 191-197; Bernd Janowski, *Sühne als Heilsgeschehen: Traditions- und religionsgeschichtliche Studien zur Sühnetheologie der Priesterschrift*, WMANT 55 (Neukirchen-Vluyn: Neukirchener Verlag, 2000); Milgrom, *Leviticus 1-16*, 1079-1084; Adrian Schenker, "kōper et expiation," *Biblica* 63 (1982): 32-46; Baruch Levine, *In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel.* SJLA 5. Leiden: Brill, 1974; and S. O. Hills, "A Semantic and Conceptual Study of the Root KPR in the Hebrew Old Testament with Special Reference to the Accadian Kuppuru," (Ph.D. diss. Johns Hopkins University, 1964).

legislator explains that murderers cannot give a ransom payment for their lives (Num 35:31) and manslayers cannot make such a payment for their freedom from the asylum city (Num 35:32). Fortunately, Jay Sklar has helpfully explained that the verb *kippēr* accomplishes "ransom-purgation."[160] In other words, the action of *kippēr* accomplishes both ransom and purification from the danger and defilement resulting from both sins and impurities, as each case may require. With respect to Num 35, Sklar explains why ransom may not be accepted and what this implies for the meaning of *kippēr*:

> Murder pollutes the land (just like sexual immorality). The severity of this is such that no *kōper* can be effected for the land by a *kōper* of silver; it is only a *kōper* of blood that will *kippēr* the land, namely, the blood of the slayer… What is particularly important to note, however, is that while *kippēr* here does refer to the payment of a suitable ransom, *the intended result of the kippēr-action*–that is, the payment of a suitable *kōper–is that of cleansing*, since it is the *pollution* and *defilement* of the land that is being addressed. In short, *kippēr* here refers to *kōper*-purgation.[161]

At the very least, then, Num 35:33 describes the possibility of cleansing Israel's land from the defilement of violent bloodshed through putting the murderer to death. This verse's clear exception clause states precisely that the land could be cleansed. Such a unique exception ought not to be ignored or overlooked when developing our understanding of the defilement of the land in the Hebrew Bible.

Strikingly, other biblical texts concerning the defilement of the land employ similar language and ideology when they describe how to purify the land. Two texts from Deuteronomy

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[160] See Sklar, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions*, HBM 2 (Sheffield: Sheffield Phoenix, 2015); and "Sin and Impurity: Atoned or Purified? Yes!," edd. Baruch Schwartz et al., LHBOTS 474 (London: T & T Clark, 2008), 18-31.

[161] *Sin, Impurity, Sacrifice, Atonement*, 155-156. But see the comments of William Gilders, *Blood Ritual in the Hebrew Bible: Meaning and Power* (Baltimore: The Johns Hopkins University Press, 2004), 164-165.

reflect in a few isolated verses similar conceptions to those found in Num 35. Deuteronomy 21:7-8, discussed at greater length in the next chapter, falls in the middle of the prescription of a very unusual ritual (Deut 21:1-9). If a person was killed and left in the Israelite countryside, the elders of the nearest city had to take a cow into a perpetually flowing wadi. There, they ritually killed the cow by breaking its neck and washed their hands in the wadi. During or after this handwashing, the elders were to say, "Our hands did not shed this blood and our eyes did not see it. Atone [*kippēr*] for your people, Israel, whom you redeemed, O Yahweh. And do not impute innocent blood to your people, Israel, so that the blood [*haddām*] may be atoned for [*wĕnikkapēr*]" (Deut 21:7-8). In Deut 21, the slain corpse left in the countryside is most likely understood as a defiling force because blood spilled in murder defiles the land. Further support for this interpretation is found in the washing ritual that takes place with the heifer, which is slain over a wadi in order to wash the blood pollutant away from the land, thereby cleansing Israel's territory. This ritual of purifying Israel's defiled land notably uses the same terminology found in Num 35:33. Yahweh is asked to "atone" (*kippēr*) for the "blood" (*haddām*) that was shed on the land, just as Num 35:33 describes. Similarly, though with far less information available in context, Deut 32:43d uses the verb *kippēr* again for Yahweh's cleansing of the land: "And he [Yahweh] will atone for (*wĕkipper*) the land of his people."[162]

2 Samuel 21:1-14, where David offers seven of Saul's sons to be killed by the Gibeonites, presents us with an even more extensive parallel to the language and ideology of Num 35. The Gibeonites executed Saul's sons in an act of blood vengeance in response to the bloodguilt (*haddāmîm*) Saul incurred by trying to annihilate them (2 Sam 21:1-2). Though the

[162] Note that in Deuteronomy 32 the people are not found guilty of murder, but idolatry, another land-defiling offense addressed in other texts.

text does not say that the land of Israel was defiled by Saul's reckless violence, David is incited to remedy Saul's bloodguilt by a three-year famine (2 Sam 21:1). Several other biblical texts explicitly concerned with the defilement of the land indicate that when the land was defiled, it would become barren and fruitless (e.g., Jer 2:7; 3:2-3; Isa 24:1-7). Thus, the writer of 2 Samuel 21 may share the same ideology, implicitly suggesting that the famine came about when Saul defiled the land through illicit bloodshed. David responded to the famine by inquiring of the Gibeonites, "What shall I do for you? And with what shall I make atonement (*'ăkappēr*) so that you bless the inheritance of Yahweh?" (2 Sam 21:3). David, in using the verb *kippēr*, offers the Gibeonites a ransom.[163] In response, the Gibeonites reject any monetary ransom or payment by the life of any arbitrary Israelite. They insist on taking vengeance on those "personally" responsible: Saul and his house.[164] When David hands over seven of Saul's sons as a ransom payment, the Gibeonites proceed to hang them in what appears to be a ritualized sacrifice or expiation performed "before Yahweh" and "in the first days of harvest, at the beginning of the barley harvest" (2 Sam 21:9), phrases which suggest the Gibeonites took consideration of both sacred space and sacred time when they executed Saul's sons.[165] Saul's sons were executed in an

[163] See Bernard Jackson, *Wisdom-Laws: A Study of the* Mishpatim *of Exodus 21:1-22:16* (Oxford: Oxford University Press, 2006), 134.

[164] See ibid., 158.

[165] While the social-evolutionary component of his argument proves unhelpful, Henry McKeating notes, "The Canaanites, having been a settled, urbanized people much longer than Israel, and whose clan or tribal structure had broken down much further, already has a 'sacral' conception of homicide, regarding it as a pollution of the land, a defilement to be expiated, not primarily a deprivation for which compensation was due to the kin group…They [the Gibeonites] opt for a recompense which in all probability is seen as a sacrificial or ritual expiation, but which the Israelite could interpret as a proper *quid pro quo*, paid not in money but in blood, by one group to another, as under clan law was customary." "The Development of the Law of Homicide in Ancient Israel." *VT* 25/1 (1975): 61-62. While I agree with McKeating that the slaughter of Saul's sons was a ritualized killing for purification of the land, I do not see evidence that the Israelites failed to understand the act in this manner. After all, the text was compiled by an Israelite scribe who incorporated numerous features suggestive of land-defilement and purification. Other scholars likewise recognize the sacral nature of the Gibeonite slaughter of Saul's sons such as Cephas Tushima, *The Fate of Saul's Progeny in the Reign of David* (Cambridge: James Clarke & Co, 2012), 221; Robert Alter, *The David*

act that simultaneously served judicial (blood vengeance/ransom) and ritual (purification) functions. Thus, the conceptions of bloodguilt and ransom/purification found in Num 35 make a similar appearance in the judicial/ritual slaughter of Saul's sons in 2 Sam 21:1-14.

The use of *kippēr* in Num 35:33 and its parallel appearance in several related biblical texts reveals that the land of Israel could be purified of its defilements. When individuals violently shed blood in the land, their own blood was due as both recompense and purifying agent. That the land could be cleansed from the pollution caused by violent bloodshed opens the possibility that the land could be cleansed when defiled by other means. While no text clearly describes the means of purification for other land-defiling offenses, the authors of the Hebrew Bible may have believed that such an outcome was possible even in places where they chose not to discuss it.

Numbers 35 quite clearly describes how to purify the land from murder: through *lex talionis* retribution, the murderer's blood must be offered as a ransom and purification for the blood of his victim. The murderer's blood serves as both legal penalty and ritual detergent, bringing justice to the injured family and cleansing to the land.[166] But, the situation proves much more complex for the manslayer. He too has shed blood so as to defile the land. But, in the manslayer's case, the death penalty was withheld (Num 35:15, 22-25). As a result, the blood he spilled could not be purified through the shedding of the manslayer's own blood (except in cases where the manslayer chose to abandon his asylum city). Instead, the manslayer was punished

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Story: A Translation with Commentary of 1 and 2 Samuel (New York : Norton, 1999), 331; Gnana Robinson, *Let Us Be Life the Nations: A Commentary on the Books of 1 and 2 Samuel*, ITC (Grand Rapids: Eerdmans, 1993), 266-267; Hans Wilhelm Hertzberg, *I & II Samuel: A Commentary*, OTL (Philadelphia: Westminster, 1964), 384.

[166] See Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007), 76, n. 119; Milgrom, *Leviticus 17-22*, 291-292; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995), 179-180.

with (and protected by) the requirement that he remain in a Levitical city of refuge until the death of the high priest. Only with the death of the high priest was the manslayer restored to a normal life in the land. In fact, the high priest's death is the only event that has any impact on the manslayer's condition once he has reached the city of refuge. As a result, the high priest's death proves the most likely means of purifying the land from blood spilled in manslaughter. But, how the high priest's death justifies the manslayer's release and accomplishes purification for the land requires explanation.

A significant number of scholars argue that the high priest's death justifies the manslayer's release because of an amnesty proclaimed at the end of the high priest's term of office. This approach to the death of the high priest finds its strongest support in the well-known amnesty declarations proclaimed in Mesopotamia. During certain periods in Mesopotamian history (e.g., the OB and NA periods), when a king ascended to the throne (and occasionally in periods of economic crisis during his reign), he would proclaim *andurārum/durārum* or *mīšarum*. These edicts brought about manumission of slaves and release from debts.[167] Since these Mesopotamian edicts typically took place at the accession of a new king, biblical scholars

[167] For a helpful summary of Mesopotamian debt-release edicts see RlA 12, s.v. Schuldenerlass. For more detailed studies see Dominique Charpin, "Les décrets royaux à l'époque paleo-bbaylonienne, à propos d'un ouvrage recent," *AfO* 34 (1987): 36-44; idem., "L'*andurârum* à Mari," *M.A.R.I.* 6 (1990): 253-270; Brigitte Lion, "L'*andurāru à l'époque médio-babylonienne d'après les documents de Terqa, Nuzi et Arrapha*," *SCCNH* 10 (1999): 313-327; Johannes Renger, "Royal Edicts of the Old Babylonian Period–Structural Background," in *Debt and Economic Renewal in the Ancient Near East*, edd. Michael Hudson and Marc Van de Mieroop (Bethesda: CDL, 2002), 139-162; and Pierre Villard, "*L'(an)durāru à l'époque néo-assyrienne*," *RA* 101 (2007): 107-124. For comments by biblical scholars interested in the connection of Mesopotamian debt release edicts and similar phenomena in the HB see Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis: Fortress, 1995), 75-96; Neils Lemche, "*Andurārum* and *Mīšarum*: Comments on the Problem of Social Edicts and Their Application in the Ancient Near East," *JNES* 38/1 (1979): 11-22; Robert North, *Sociology of the Biblical Jubilee*, AnBib 4 (Rome: Pontifical Biblical Institute, 1954), 62-66. The most extensive edict preserved today is the Edict of Ammisaduqa, proclaimed when he took the throne of Babylon. The critical edition can be found in F. R. Kraus, *Ein Edikt des Königs Ammi-Ṣaduqa von Babylon*, Studia et Documenta ad Iura Orientis Antiqui Pertinentia 5 (Leiden: Brill, 1958).

have suggested that a similar amnesty may have been proclaimed at the death of Israel's high priest. According to Martin Noth:

> In this respect the high priest–as is the case, too, with the anointing mentioned specifically in v. 25bβ–must have taken over the role formerly played by the king, and this must be a reference to the fact that a general amnesty was, or at least could be, bound up with a change in the occupancy of the throne.[168]

While helpfully availing itself of relevant ancient Near Eastern parallels, the amnesty approach to the high priest's death ultimately contains too many flaws to adopt. First, the text makes no mention of the proclamation of an amnesty or the accession of the next high priest, the occasion upon which an amnesty would have been proclaimed.[169] Instead, Num 35 repeatedly emphasizes that the manslayer's release occurs at the high priest's death (35:25, 28, 32).[170] It would seem, then, that the death of the standing high priest, not the accession of his follower, is the legally/ritually significant event that enables the manslayer's return. Second, Num 35 nowhere mentions a procedure for dismissing a manslayer from his city of refuge. He was simply permitted to return home. Yet, if an amnesty brought about his freedom, we would expect some public statement, ceremony, or official involvement in the manslayer's release. As Richard Whitekettle observes, "Nothing happened in a manner which would indicate that the release was

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[168] *Numbers: A Commentary*, trans. James D. Martin, OTL (Philadelphia: Westminster, 1968), 255. See also Andreas Rüwe, "Das Zusammenwirken von 'Gerichtsverhandlung', 'Blutrache' und 'Asyl': Rechtsgeschichtliche Erwägungen zu den todesrechtsrelevanten Asylbestimmungen im Hexateuch," *ZABR* 6 (2000): 214; Horst Seebass, *Numeri*, BKAT IV (Neukirchen-Vluyn: Neukirchener Verlag, 2007), III:445.

[169] I am unaware of any example from the ancient Near East of an amnesty being proclaimed at the death of a public figure. Rather, amnesties occurred when they (typically kings) ascended to the throne.

[170] Moshe Greenberg forcefully observes, "That a high priest's death should be the occasion of an amnesty is an odd idea. Amnesties, it has been observed, occur at the accession of new rulers, being a politic device for ingratiating themselves with the populace… [I]f there is anything characteristic of the priestly law of Numbers it is the insistence upon the absolute nature of the crime of homicide, and the impermissibility of mitigating its penalties… This would seem definitely to exclude the idea that any human was empowered to expunge the guilt of the homicide in a manner savoring of political expediency as is implied by the notion of amnesty." "The Biblical Conception of Asylum," *JBL* 78/2 (1959): 127.

a serious and consequential matter which a granting of amnesty would have been."[171] Numbers 35 gives so much attention to the legal details surrounding the judgment of and response to murder and manslaughter, that we would expect mention of any details involved in the release of manslayers as well. But, no such details appear in the text, which suggests that they were nonexistent.[172] Third, the Hebrew Bible nowhere mentions any other consequences of the high priest's death. But, if the high priest's death (or accession of a new high priest) could bring about an amnesty, we might expect some mention of debt cancellation or release of slaves. Instead, the closest parallel to the amnesty edicts from Mesopotamia is found in the biblical Jubilee legislation (Lev 25:8-22). Fourth, Mesopotamian *andurāru* and *mīšaru* edicts never proclaim freedom to individuals guilty of crimes like manslaughter. Thus, the comparison of the manslayer's release with these edicts appears flawed. Fifth, and finally, the amnesty view cannot explain how the land of Israel is purified from the defiling blood the manslayer shed. Amnesty doubtless resolves the manslayer's personal predicament, but it does nothing to protect society at large from the defiling force of the manslayer's offense. In view of these difficulties, another explanation of the high priest's death should be sought.

One potential solution would be to suggest that the death of the high priest was accompanied by a well-known ritual that atoned for the blood shed by the manslayer. Thus, the priest's death, per se, did not resolve the defilement of the land. Instead, the well-known ritual that accompanied the priest's death cleansed Israel's territory. If it existed at all, such a ritual must have either been directed specifically at resolving the defilement brought about by

[171] Richard Whitekettle, "Life's Labors Lost: Priestly Death and Returning Home From a City of Refuge in Ancient Israel," *HTR* 111/3 (2018): 346.

[172] See Whitekettle, "Life's Labors Lost," 347.

manslaughter, or it may also have had other well-known effects that simply never appear in the Hebrew Bible. But, this approach to the high priest's death should not be adopted first of all because it cannot be falsified. The idea that such a ritual existed could simply be a scholarly fantasy![173] Additionally, if such a ritual existed, we would expect the author of Num 35 to describe it in some detail. Every other procedure of the manslayer's crime, trial, and confinement is described with remarkable precision. Thus, it would be quite odd for the legislator to omit any description of the means of his release.

A far more helpful interpretation of the high priest's death is what I call here the expiation view. Scholars who adopt this approach first recognize that the high priest functioned ritually as a representative of Israel who made expiation for the people's sins and impurities (cf. Ex 28:36-38; Lev 4:13-21; 10:17; 16:17, 32-33). Conversely, the high priest could, through his own sin, bring guilt upon the entire people (Lev 4:3).[174] Since the blood of the manslayer was due as both legal penalty (cf. Gen 9:6) and ritual detergent for his offense, the death of the high priest affords the opportunity for his representative's blood to stand in his place. In other words, the life of the manslayer is preserved through the death of a substitute.[175] The high priest's death metaphorically functions as the manslayer's own death, thus expiating his sin and purifying its polluting effects. The expiation view has the great advantage of explaining how the high priest's

[173] And this likely explains why no scholar I am aware of has suggested the existence of such a ritual in print.

[174] See Feder, *Blood Expiation*, 70.

[175] So Mattison, "Contrasting Conceptions of Asylum," 246; Pekka Pitkänen, *A Commentary on Numbers: Narrative, Ritual and Colonialism* (London: Routledge, 2018), 208; Jonathan Burnside, *God, Justice, and Society: Aspects of Law and Legality in the Bible* (Oxford: Oxford University Press, 2011), 270; Stackert, *Rewriting the Torah*, 95; Milgrom, *Leviticus 17-22*, 294; Knohl, *The Sanctuary of Silence*, 179-180; Timothy Ashley, *The Book of Numbers*, NICOT (Grand Rapids: Eerdmans, 1993), 654; and Greenberg, "The Biblical Conception of Asylum," 130.

death purifies the land and exonerates the manslayer, but it is not without its own difficulties. First, biblical ritual typically takes place in a particular place, at a particular time, and involves specific ritual officiants, participants, and objects. Simply put, biblical ritual is very methodical. The death of the high priest, however, is a natural and more or less random occurrence. As such, it would stand as a unique ritually effective event, the only happenstance remedy known to us in the Hebrew Bible.[176] Second, Whitekettle contends that Israelite priests only ever appear as the subjects of rituals in the Hebrew Bible. In no case do they function as ritual objects.[177] Though generally correct, Whitekettle does overlook the fact that priests do function as ritual objects in the ordination rituals (cf. Ex 29; Lev 8). One could respond that in the ordination rituals recorded in the Hebrew Bible, Moses (the ritual subject) functions as the priest, whereas Aaron and his sons (the ritual objects) are not yet priests because their ordination remains incomplete.[178] Regardless of how one interprets the priestly involvement in the ordination rituals, Whitekettle's argument still accurately reflects the preponderance of priestly ritual activity in the Pentateuch. More specifically, Num 35 would be the only text in which the death of a priest accomplishes any ritual end. Third, the Hebrew Bible nowhere mentions another offense expiated by the death of the high priest. But, as the representative of Israel we might expect the high priest's death to

[176] So Whitekettle, "Life's Labors Lost," 338-339.

[177] "Life's Labors Lost," 340.

[178] I do not intend to make any absolute claims here about Moses' role in the ritual system. Scholars disagree about his exact status in Israel's ritual system. Jacob Milgrom states, "Moses himself acts as priest–indeed, as Israel's first priest, the one who not only established Israel's cult, but also officiated alone during the first week of its existence." *Leviticus 1-16,* 557. See also Ps 99:6a, "Moses and Aaron were among his priests" (*mōšeh wĕ'ahărōn bĕkōhănayw*). But, note that the use of *kōhēn* in this text may not be a technical designation of priesthood (cf. Levine, *Leviticus*, 49; Milgrom, *Leviticus 1-16*, 556). But, Levine observes that, "it would be incorrect … to regard Moses as a priest." *Leviticus*, 49. Nowhere in the Hebrew Bible is Moses described as holy (*qdš*), which is a fundamental aspect of Israelite priesthood. See also Gerstenberger, *Leviticus*, 112.

cover many if not all of Israel's sins and impurities. Proponents of the expiation view do not explain why the high priest's death specifically reverses the effects of manslaughter. Thus, these three significant features of Num 35 suggest that expiation by priestly death sits at best uncomfortably in the broader picture of priestly ritual. Nevertheless, this approach to the high priest's death does answer the question of how the land could be cleansed from the defiling force of manslaughter.

Fortunately, the preceding three objections to the expiation view can be answered. To begin with the third objection, the unique character of the manslayer's offense and its consequences explains why the high priest's death expiates only this crime. Numbers 35 describes manslaughter as an act of killing committed "inadvertently" (*bišgāgâ*; Num 35:11, 15). This description situates manslaughter very precisely in the priestly ritual system. In committing an inadvertent offense, the perpetrator either knows the law and accidentally violates it or intentionally breaks a command not previously known.[179] Obviously, in the case of killing another person, the perpetrator must have known the deed was wrong. Thus, inadvertent killing must be committed by accident. In the priestly literature, sins committed *bišgāgâ* can always be expiated through the *ḥaṭṭā't* and/or *'āšām* sacrifices (cf. Lev 4-5, esp. Lev 4:2, 22, 27; 5:15, 18). To the contrary, "high-handed" sins (those committed *bĕyād rāmâ*) cannot be expiated through the sacrificial system.[180] Numbers 15:22-31 makes the expiability of inadvertent offenses and

[179] See Milgrom, "Cultic שׁגגה and Its Influence in Psalms and Job," *JQR* 58/2 (1967): 118 and Rüwe, "Das Zusammenwirken von 'Gerichtsverhandlung', 'Blutrache' und 'Asyl,'" *ZABR* 6 (2000): 214.

[180] For helpful descriptions of sins committed *bĕyād rāmâ* see Jay Sklar, "Sin and Atonement: Lessons from the Pentateuch," *Bulletin for Biblical Research* 22/4 (2012): 472-476; Gane, *Cult and Character*, 209; idem., "Numbers 15:22-31 and the Spectrum of Moral Faults," in *Inicios, paradigmas y fundamentos: Estudios teológicos y exegéticos en el Pentateuco*, ed. Gerald Klingbeil (Argentina: Editorial Universidad Adventista del Plata, 2004), 154-155.

inexpiability of high-handed offenses especially clear. Verses 22-29 state that if any individual, or even the entire community of Israel, commits a sin inadvertently, she may be forgiven through sacrifice. But, in verses 30-31, the author states that anyone who sins with a high hand, "reviles Yahweh, and that person shall be cut off from the midst of his people… his guilt shall be on him." In view of this distinction between inadvertent and high-handed offenses, manslaughter, as an inadvertent offense, should be expiable through sacrifice. But the manslayer faces a unique dilemma. He alone of all inadvertent sinners cannot approach the sanctuary because he must remain in his asylum city. Thus, even though the manslayer's offense should be expiable through sacrifice, he cannot avail himself of this ritual remedy.[181] It would appear, then, that the priestly legislator has contrived a unique remedy for the manslayer's predicament in the expiating power of the high priest's death. The high priest's death only atones for manslaughter because manslaughter is the only inadvertent sin that was impossible to expiate at the sanctuary.

Additionally, manslaughter requires the payment of a human life. While other inadvertent offenses could be expiated through animal sacrifice, Num 35 applies the *lex talionis* strictly and literally to the case of manslaughter, stating that payment for the offense could only be made through the killer's death (Num 35:31-33). This strict principle of life for life retribution appears elsewhere in the priestly material: "Whoever sheds the blood of man, by man shall his blood be shed, for in the image of God he created man" (Gen 9:6). Thus, even if a manslayer could access the sanctuary to offer sacrifice, he would be incapable of restoring himself because animal death could not expiate his crime. The manslayer's life alone could pay for shedding another human's blood. But, through the death of the high priest, the manslayer's substitute could die in his place.

[181] Jeffrey Stackert makes the same observation in *Rewriting the Torah*, 77.

The substitute's death functioned as the manslayer's death thereby completely fulfilling his penalty.

The first two objections to the expiation view must be answered by probing the unique intersection of legal and ritual problems in Num 35. Both the happenstance nature of the high priest's death and his unusual role in this ritually effective event emerge as solutions to the legal problems created through manslaughter. Richard Whitekettle, though himself critical of the expiation view, has provided the most illuminating explanation of the legal logic of Numbers 35.[182] In his view, the penalty of confining a manslayer to his asylum city equalized his situation (and that of his family) with that of his victim (and the victim's family). The manslayer's crime accidentally cut off the life of his victim in an unnatural way. Thus, the victim was prevented from experiencing a full life engaged in his labor, relationships, and leisure. Additionally, and perhaps even more importantly, the manslayer also violently removed the victim from his kin group, thus depriving them of his labor and service. The legislator then equalizes the circumstances of the manslayer and his victim by removing the manslayer from his kin group and property. Just as the victim's kin group has been deprived of a productive member, so also has the kin group of the manslayer. Thus, the confinement of manslayers to a city of refuge functions as a kind of *lex talionis* retribution. But, the legislator also recognizes that the victim, had he remained alive, would eventually have died a natural death, thereby removing his labor from the kin group. Thus, Whitekettle observes:

> [I]t was deemed right and fair to limit the duration of the killer's confinement and his equalized existence, and to set the timing of that limit as the moment when the victim's natural death would have occurred. After all, in keeping with the talionic principle that "the penalty must be equivalent to the harm inflicted" found elsewhere in the Israelite thought world (e.g., Exod 21:23–25; Lev 24:17–21;

[182] "Life's Labors Lost," 350-356.

> Deut 19:16–21), it was what the victim had actually lost when he was killed—the life and labor of the rest of his natural lifespan—which should be compensated for through the killer's confinement and equalized existence … The problem, of course, is that it was impossible for the legists to identify when the victim would have died a natural death. They, therefore, established a hypothetical date for it. They did this by using the date of the natural death of the high priest to represent the date of the natural death of the victim.[183]

The high priest, as the victim's anointed representative (as noted above) and a highly public figure, functioned as a suitable substitute.[184] Whitekettle's approach to the legal logic of Num 35 explains how an arbitrary event in which the high priest does not act as ritual subject could nevertheless expiate the manslayer's offense. The resolution of the manslayer's crime had to be arbitrary because the potential lifespan of the victim was unknown. Additionally, the high priest did not act as a ritual subject because his death, not any ritual activity he performed, proved necessary to bring about an equitable release of the manslayer. Strictly speaking, the high priest's death is not a ritual. Rather, it is a ritually effective legal event. In other words, the resolution of the manslayer's legal dilemma (depriving the victim and his kin group of a natural life) simultaneously brings about a resolution to the defilement of the land. The faithful execution of justice cleanses Israel's defiled territory. Former attempts to explain the efficacy of the high priest's death fall short because they tend to focus on either the ritual or the legal efficacy of the high priest's death, but never both. Approaching Num 35 with an eye for how law and ritual intersect and shape each other, opens up new potential for explaining how the high priest's death resolves both the legal and ritual problems of manslaughter.

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[183] "Life's Labors Lost," 353.

[184] Ibid., 352-354.

The interaction between law and ritual in Num 35 has introduced unusual elements into the priestly ritual system, which may best be explained by an appeal to metaphor. Because the defilement of the land is a metaphorical kind of defilement, it does not call for a ritual response in every case, as do ordinary forms of defilement. Whereas ordinary defilements like corpse impurity or menstruation call for specific sacrifices and ablutions, the metaphorical defilement of the land calls for no such ritual response. Instead, the land of Israel is cleansed of its impurities by faithful observance and implementation of Yahweh's law. Further support for a metaphorical interpretation of the defiling force of violent bloodshed emerges from the recognition that violently shed blood nowhere ritually defiles in the Hebrew Bible.[185] Surely, the priestly legislators did not overlook or fail to mention this potentially defiling bloodshed since they identify several other situations in which loss of blood brings about ritual defilement.[186] The defilement caused by murder and manslaughter does not fit with the rest of the priestly laws concerning impurity. Thus, it appears that this form of defilement differs in fundamental ways from that found in the priestly ritual system. These differences can best be explained by an appeal to the metaphorical nature of the defilement of the land in Num 35.

2.3.4 The Purpose of Land Defilement in Numbers 35

The mention of the defilement of the land in Num 35 proves illuminating in several ways. I have already discussed how the defilement of the land and the chapter's various penalties

[185] The only hint that violent bloodshed might have some defiling impact can be found in 1 Chr 28:3, where Yahweh prohibits David from building the temple because he is a "man of warfare" (*'îš milḥāmôt*) and has "shed blood" (*wědāmîm šāpāktā*).

[186] These other sources of defilement by blood are menstruation (Lev 15:19-24), lochial discharge after birth (Lev 12:1-8), and irregular blood flow in a female (Lev 15:25-30).

intersect. But, the land's pollution also explains why Num 35 has been situated in this context within the book of Numbers. Additionally, and even more importantly, the role defilement of the land plays in Num 35 sheds great light on the purpose of land defilement in this passage and perhaps also more broadly in the Hebrew Bible.

Numbers 35 invokes the idea of the defilement of the land in order to more strongly encourage the observance and implementation of the laws found in this chapter. Unlike the land-defilement texts in Leviticus, this passage makes no apparent appeal to the emotion of disgust. Doubtless, the text's implied audience must have seen the pollution of the land as a significant problem. Otherwise, the mention of the concept would serve no function in the chapter. As the text stands, it presents the defilement of the land as a motivation for Israelite society to enforce the chapter's laws regarding murder and manslaughter. Since these offenses defile the land, they have an impact upon Israelite society as a whole. Thus, the obligation to respond to such offenses falls upon the entire community, not simply those directly affected.[187] The only remedies for both murder and manslaughter come through carefully following the law both on the part of the perpetrator (in the case of manslayers) and society more broadly: murderers must be put to death and manslayers must abide in the city of refuge until the death of the high priest. Should Israel fail to abide by these regulations, it would defile its land, which is also the very habitation of Yahweh. "Do not defile the land in which you dwell, where I reside in your midst. I am Yahweh, who resides in the midst of the Israelites" (Num 35:34). Defiling the land would defile Yahweh's dwelling place and could result in his departure from Israel's midst (though this result goes

[187] See McKeating, "Development of the Law Homicide,"

unstated in the text).[188] Thus, by incorporating defilement of the land into this discussion of murder, manslaughter, and refuge, the legislator has more forcefully demonstrated the need for Israelite society to carefully respond to violent bloodshed. As McKeating observes, "Behind the final priestly statement of homicide law is some very careful thinking which seems almost to suggest that religious ideas are being consciously *used* for social ends."[189] Just as in Lev 18 and 20, the legislator uses the idea of land defilement to shape Israelite society, in this case society's response to violent bloodshed.

The comparison of Num 35 with Lev 18 and 20 suggests that purification of the land's defilement may be possible in the latter two chapters. Just as in Num 35, the editor of Lev 18 and 20 uses the defilement of the land to encourage careful observance of the law. Israelite individuals must observe the detailed sexual and religious regulations of these chapters and Israelite society must carefully punish offenders (cf. Lev 20:9-21). In neither Num 35 or Lev 18 and 20 does the defilement of the land provoke any kind of ritual response. The similar dynamic of land defilement motivating fidelity to the law in Lev 18, 20 and Num 35 raises the question about whether the land could also be purified in Lev 18 and 20. If Israel carefully observed the laws of these chapters (especially Lev 20:9-21) by punishing offenders appropriately, could they thereby purify the land? Ultimately, we can never know for certain if the legislator of Lev 20

[188] See Levine, *Leviticus*, 560; Milgrom, *Leviticus 17-22*, 291; Schmidt, *Das vierte Buch Mose*, 222. Compare the similar idea found in Deuteronomy 23:15 [23:14]: "Because Yahweh your God walks about in the midst of your camp, to deliver you and to give up your enemies before you, your camp shall be holy, so that he does not see any indecent thing [*'ervat dābār*] among you and turn away from you." Yahweh walks about the midst of Israel's war camp, but must leave if he encounters any unseemly thing (in this case nocturnal emissions or human excrement, discussed in Deut 23:11-14 [23:10-13]). That which threatens the holiness of Yahweh's residence likewise threatens his continued presence there. Cf. 1 Kgs 8:35-40 for further evidence of Yahweh's dwelling in the land (specifically centered in the temple) and the impact of his presence on the feritility and stability of Israel's territory.

[189] "Development of the Law of Homicide," 67, emphasis original.

considered purification a possibility. But, the evidence from Num 35 that purification was possible and the parallel situation where legal offenses make a ritual impact suggests to me that purification was possible. The legislator simply chose not to mention the fact that the land could be cleansed of its defilements. Such an approach has its own kind of rhetorical effect. By omitting the possibility of cleansing the land (though a real possibility), the legislator more forcefully conveys to his audience the need to faithfully observe and implement the law.

2.4 Conclusion

In the priestly legislation we find that both sexual misconduct and illicit bloodshed could defile the land of Israel. These antisocial behaviors threatened not just the wellbeing of those who committed them, but the sanctity of nation as a whole. The editors of the legal texts in this chapter use the threat of defilement of the land to urge their audience to observe their rulings. In Num 35, land defilement is used as a tool to encourage the careful observance of detailed rulings regarding murder, manslaughter, and asylum. Israel's careful adherence to these prescriptions is essential to the continued presence of God in their midst. Leviticus takes a somewhat different approach to the matter of polluting the land. In the texts from Lev 18-20 treated in this chapter, we find the priestly writers using emotional language and the personification of the land to urge social conformity. Throughout these texts, the legislators employ diverse terminology of disgust to inculcate in their audience a visceral aversion to prohibited behaviors. In so doing, they shift what might be considered sexual preferences or localized norms into broadly binding moral obligations. These moral obligations are made all the more pressing because they have the potential to impact the land in which Israel resides. While Israel might cause the land to act as a prostitute (Lev 19:29), even more serious is the potential that their polluting the land would lead

it to vomit them into exile. Observance of the priestly rulings is not presented as a utopian ideal, but as a dire necessity for Israel's continued existence.

Chapter Three

"You Shall Not Make the Land Sin That Yahweh Your God Is Giving You as an Inheritance" The Defilement of the Land in Deuteronomy

While priestly perspectives on the defilement of the land come as no surprise, the topic receives some attention in the book of Deuteronomy as well. Yet, when the Deuteronomic editors incorporate land defilement into their work, they do so not in long, discursive texts like Lev 18 or Num 35. Rather, land defilement appears attached to several brief (and rather unusual) legal paragraphs in the Deuteronomic code ranging across diverse social concerns. In this chapter, I explain the function of the land's pollution in the three texts where it appears in Deuteronomy. First, in Deut 21:22-23 we find the legislators concerned that Israel's judicial officials might defile the land through prolonged corpse exposure. This threat of defilement is intended to curb excessive brutality and bring civic leaders to leave bodies exposed for only a single day. Second, land defilement regulates Israel's sexual behavior in Deut 24:1-4. This law prevents a man from divorcing his wife and then remarrying her. In order to prevent such behavior, the legislators use concerns with defilement and disgust to motivate adherence to this unusual regulation. The potential to pollute the land takes this private sexual matter and makes it a point of broadly social concern. Finally, Deut 21:1-9, one of the strangest rituals in the Hebrew Bible, confronts the reader with the adverse impact that bloodshed could have on the land. Not unlike what we have seen in Num 35, the legislators regard illicit bloodshed as unleashing dangerous pollution on Israel's territory. Yet, in some cases, the perpetrator may not be known and thus cannot be punished to remove bloodguilt from the land. As a result, the Deuteronomic legislators provide the unusual rite in Deut 21:1-9 as a ritual response to the legal dilemma of an

unsolved killing. In each of these texts, we find the book of Deuteronomy using land pollution to enforce the observance of legal norms and to shape the emotions and social expectations of the audience.

3.1 Deuteronomy 21:22-23

Deuteronomy's first explicit mention of land-defilement appears in a judicial context. The legislator of Deut 21:22-23 attempts to restrict the duration of corpse exposure following capital punishment:

> *Wĕkî yihyeh bĕ'îš ḥēṭ'mišpaṭ māwet wĕhûmāt wĕtālîtā 'ōtô 'al 'ēṣ lō' tālîn niblātô 'al hā'ēṣ kî qābôr tiqbĕrennû bayyôm hahû' kî qillat 'ĕlōhîm tālûy wĕlō' tĕṭammē' 'et 'admātĕkā 'ăšer yhwh 'ĕlōhêkā nōtēn lĕkā naḥălâ*
>
> If a man is guilty of a capital offense and he is put to death and you suspend him on a stake/tree, you must not leave his corpse on the stake/tree overnight, but you must bury him on that day, for one who is suspended is cursed by God. And you must not defile your land, which Yahweh your God is giving to you as an inheritance.

Israel must bury the corpses of executed criminals on the day they are exposed, lest the land become defiled. The concern with land-defilement here motivates observance of the law. Yet, the use of land-defilement here has nothing to do with restraining criminal activity (as in the priestly texts surveyed in the last chapter). Instead, as I demonstrate below, the legislator prohibits Israel from exposing executed lawbreakers to excessive shame. Deuteronomy restrains the community from overzealous punishment. Several features of Deut 21:22-23 must be examined in detail to bring the purpose of land defilement here into full view.

Deuteronomy 21:22-23 legislates the community's response to a capital offense. The judicial authorities expose the corpse of the lawbreaker after putting him to death.[1] At least, this is the way MT presents the case. Several ancient versions understand the situation differently. MT states that the perpetrator is guilty of a capital offense (*mišpaṭ māwet*) and then subsequently put to death (*wĕhûmat*). The verb *hûmat* serves as the standard Hebrew formula for imposing the death penalty (cf. Gen 26:11; Ex 19:12; Lev 20:2, 9-16; 24:17; Num 1:51; 3:10; Deut 13:6 [5]; 17:6; 24:16; etc.). Once the criminal has been executed the community exposes his body by suspending it from a tree or stake (*wĕtālîtā ʾōtô ʿal ʿēṣ*).[2] Several of the versions differ from MT in their presentation of this law. They reverse the sequence of verbs found in MT, resulting in the hanging of the criminal before he dies. Thus, for example, 11QT 64:8 reads, "You shall hang him on a tree so that he dies" (*wtlytmh ʾwtw ʿl hʿṣ wymt*). Likewise, Syr. and several LXX manuscripts read the same sequence of verbs. Vulg. arrives at the same result by different means. This Version does not reverse the verbs, but instead reinterprets *wĕhûmat* ("he shall be put to death") as "being condemned to die" (*adiudicatus morti*). Thus, hanging the criminal functions for Vulg. as the means of execution.

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[1] The legislator fails to mention precisely how the execution is carried out. Execution in the Hebrew Bible can take place by several means, but stoning prevails in the biblical record, being carried out more frequently than other methods (cf. Ex 19:13; 21:28-29, 32; Lev 20:2, 27; 24:14, 16, 23; Num 15:35-36; Deut 13:11; 17:5; 21:21; 22:21, 24; Josh 7:25; 1 Sam 30:6; 1 Kgs 21:13). On several occasions, we see that execution could be performed by a personal assault, usually with a weapon (cf. 1 Sam Josh 10:24-26; 2 Sam 4:12). In one case we see that execution could take place by shooting an offender with arrows, but this was because the people could not approach the offender personally (Ex 19:13).

[2] Scholars dispute whether the authorities hang the offender from a tree or impale him on a stake. While *ʿēṣ* frequently denotes a tree, it may also describe a piece of wood. The Hebrew phrase may be ambiguous regarding the manner of execution, but Assyrian reliefs depict a regular practice of impaling rebel leaders on stakes. Thus, it may be that Israelite judicial authorities employed the same practice, though this is by no means certain. One definite advantage to exposing corpses by impalement is the geographical flexibility of the practice. A stake could be placed in any suitable (likely public?) location; hanging from a tree would require an appropriately sized tree in a favorable location. See Jeffrey Tigay, *Deuteronomy*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 198; Peter Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 285.

Both text-critically and contextually, the reading of MT should be preferred in Deut 21:22-23. MT is supported by the readings of LXX, Tg., and Vulg. (though Vulg. interprets its *Vorlage* differently). Additionally, some of the later Versions (11QT and Syr.) may have been motivated to reverse the sequence of verbs by changes in practices of execution and corpse exposure under Roman rule. These translators may have been unacquainted with ancient Near Eastern methods of corpse exposure; thus, their translations reflect the Roman practice of crucifixion.[3] MT further reflects a superior text because the law of Deut 21:22-23 specifically regulates corpse exposure, not the means of execution. If the reversal of verbs found in 11QT and Syr. were original, it would actually require Israel to execute all those guilty of capital crimes by hanging, a legal mandate attested nowhere else in the Hebrew Bible (or anywhere in the ancient Near East). It appears that the author of 11QT recognizes this problem. To resolve the legal difficulty created by his edition of the text he has changed the conditions necessary for hanging a criminal. Only those guilty of betraying Israel to a foreign nation or those subject to the death penalty who flee and curse Israel in a foreign land are to be hanged (11QT 64:6b-13a). Having examined the textual variation in the Versions, we can see that Deut 21:22-23 regulates the public exposure of executed criminals, not the mode of their execution.

The legislator fails to state why the judicial authorities expose the criminal's corpse, but the text does contain indications that the offense prompting exposure was severe. The offender committed a crime serious enough to incur the death penalty. Additionally, Deut 21:23 indicates that he is either cursed by God or an offense to God (*qillat ʾĕlōhîm*, see below for further

[3] Note that Paul uses this text with reference to crucifixion in Gal. 3:13. See also David Chapman, *Ancient Jewish and Christian Perceptions of Crucifixion*, WUNT II/244 (Tübingen: Mohr Siebeck, 2008), 124-132. For a broader survey of the prevalence of crucifixion in the Hellenistic and Roman periods, see idem, 41-96 and John Cook, "Roman Crucifixions: From the Second Punic War to Constantine," *ZNW* 104/1 (2013): 1-32.

discussion). As noted above the author of the Temple Scroll agrees that only the most severe of offenses should result in corpse exposure: betrayal or cursing of Israel (11QT 64:6b-13a). Unfortunately, the text gives no details beyond these indications that some serious infraction of the law has been committed. With respect to the offender's own behavior, his corpse is exposed because, in the view of the legal authorities, he has perpetrated some heinous deed. The text leaves the purpose for exposure implicit, but we can safely posit that his offense was considered so severe that it deserved great shame.

One might inquire how an individual could be shamed after death. If he is already dead what impact would the act of shaming him really have? In response, we need to recognize first that shame serves a social function. Though the perpetrator himself does not consciously experience the shame of being exposed (though see below), all those in his community see and experience the gruesome display. The community sees the outcome of perpetrating crimes offensive to the local authorities. The social impact of shame would have extended to the perpetrator's family as well. Their association with an exposed criminal would have generated shame by association, especially if the family mourned at the site of exposure (cf. 2 Sam 21:8-10).

Beyond the warning corpse exposure serves in the community, there are very real ways in which the exposed criminal himself experiences shame. In order to see the impact such shaming could have, we need to examine funerary inscriptions from the ancient Levant. In several places, we find curses on tombs warning would-be grave robbers from desecrating tombs. For example, the inscription from the Tomb of the Royal Steward reads:

> This is [the tomb of …]-yahu, the royal steward. There is no silver or gold here, [on]ly [his bones] and the bones of his female slave with him. Cursed be the man who opens this (tomb)![4]

Similar curses intended to prevent the desecration of tombs appear in the tomb inscription of Si'gabbar from Nerab (KAI 226) and those of Tabnit and Eshmunazor, two kings of Sidon (KAI 13, 14). If these individuals guarded the sanctity of their tombs so carefully, how much more would they have been concerned to protect the sanctity of their own bodies! Concern for one's own corpse appears in a variety of tomb inscriptions from the ancient Near East. Tabnit's sarcophagus inscription is telling in this regard: "Do not open my cover and disturb me, for such a thing would be an abomination (*t'bt*) to 'Ashtart!" (KAI 13:5-6). Similar warnings against opening a sarcophagus and thereby disturbing the corpse are found in the Ahiram and Eshmunazor inscriptions (KAI 1, 14), as well as both Nerab inscriptions (KAI 225-226).[5] Theodore Lewis also notes that in several West Semitic funerary inscriptions, the dead speak from beyond the grave (KAI 11, 13, 14, 35, 226, and the Katumuwa Inscription).[6] He observes, "The priest Si'-gabbar, mentioned in the Nerab inscription [KAI 225], speaks in the first person about the day he died, how he was still able to converse, and how he saw his children mourning

[4] Nahman Avigad, "The Epitaph of a royal Steward from Siloam Village," *IEJ* 3 (1953): 137-152.

[5] The Nerab inscriptions use the term *'rṣth* to denote the bodily remains left in the tomb. The interpretation of this term has been the subject of some debate, but Andrew Yun gives a compelling case that it should be read as denoting bodily remains. "A Case of Linguistic Transition: The Nerab Inscriptions," *JSS* 51/1 (2006): 23-24. Theodore Lewis observes that the Ketef Hinnom amulet and its accompanying inscription may have been placed in the tomb "not only for the deceased person's well-being in the afterlife, but also for the protection of his corpse from desecration." "How Far Can Texts Take Us? Evaluating Textual Sources for Reconstructing Ancient Israelite Beliefs about the Dead," in *Sacred Time, Sacred Place: Archaeology and the Religion of Ancient Israel*, ed. Barry M. Gittlen (Winona Lake: Eisenbrauns, 2002), 181.

[6] For the *editio princeps* of the Katumuwa inscription, see Dennis Pardee, "A New Aramaic Inscription from Zincirli." *BASOR* 356 (2009): 51-71.

over him."[7] If an individual could watch his family mourn him after his death, he could also watch his community revile his exposed corpse.

While the details are scant, numerous texts in the Hebrew Bible likewise indicate that Israelites saw the dead as having some kind of afterlife existence. The classic example occurs when Samuel appears to Saul after his death (1 Sam 28). Samuel bears some recognizable similarities after death to how he looked before it (1 Sam 28:14) and even speaks personally, asking why Saul disturbed him.[8] Other texts describe the dead as the "dead of old" (*mētê ʿôlām*, Ps 143:3; Lam 3:6) or the "people of old" (*ʿam ʿôlām*, Ezek 26:30), who reside in the "eternal house" (Qoh 12:5; cf. *bʿlm* in KAI 1:1). Ezekiel gives us a graphic depiction of several nations inhabiting Sheol (Ezek 32). Strikingly, these dead peoples experience "shame" even beyond the grave (*kĕlimmâ*, Ezek 32:24, 25, 30). So, even though an individual whose corpse was exposed was already dead at the time of public humiliation, ancient Israelites would most likely have expected him to suffer shame even in his afterlife existence as his corpse was treated with dishonor.

The criminal's misdeed, however, is not the only factor motivating the decision to expose his corpse. The law does not require the community to expose the corpses of executed criminals. Instead, Deut 21:22-23 aims to regulate the practice. Thus, the choice to expose a corpse would be left in the hands of the leaders of a given community. The gruesome sight of a body suspended from a tree or impaled on a stake would have warned others in the population against

[7] Lewis also notes that a late Kition funerary inscription contains first-person narration from the dead. "How Far Can Texts Take Us?," 181.

[8] Note the use of the verb *rgz* to describe the disturbance, the same verbal root used for violation of tombs in the Phoenician sarcophagus inscriptions. See ibid., 181.

such antisocial behavior.[9] Additionally, corpse exposure functions as a prominent display of authority. Judicial leaders display their power to subject rebellious individuals (however this rebellion was construed) to the most extreme form of shame. Corpse exposure does more than simply punish the deceased criminal. It plays a powerful social role. The suspended body publicly warns the population against similar behavior and reminds them of the power of the prevailing judicial authorities.[10]

While Deut 21:22-23 refrains from specifying the misdeed that leads to the display of the criminal's body, we find numerous additional examples of corpse exposure in the ancient Near East that shed light on the reasons for subjecting individuals to this extreme form of public shame. The following survey is far from exhaustive but highlights various examples of corpse exposure in the ancient Near East and Hebrew Bible. The Code of Hammurabi requires the execution and exposure of someone who breaches another person's house: "If a man breaches a house, they shall kill him and hang him (*i-ḫa-al-la-lu-šu*) in front of that breach" (CH §21). Likewise, CH §227 prescribes execution and exposure for anyone who deceitfully induces a barber to shave off the slave hairlock of someone else's slave. In both cases, a serious offense against property (another person's house or slave) merits not just the death penalty, but also the public exposure of the criminal's corpse. The same Akkadian verb for the public display of

[9] See Craigie, *Deuteronomy*, 285; Jack Lundbom, *Deuteronomy: A Commentary* (Grand Rapids: Eerdmans, 2013), 609. Tigay notes that corpse exposure may also have served the purpose of denying the criminal a proper burial. *Deuteronomy*, 198.

[10] Though the text nowhere states where corpse exposure took place, to fulfill its function it most likely took place in a public location. One can imagine the executed criminal being put on display immediately outside the city gate, a prominent place of judicial and economic activity in ancient Israel (cf. the exposure of decapitated heads at the city gate in 2 Kgs 10:1-11). Whether the crimes of the individual were made known to the community is additionally unclear. It may be that the individual's offense was made known to the populace as a specific deterrent from similar behavior. Alternatively, if the misdeed remained unknown, the suspended corpse would have served as a more general reminder how dangerous it could be to transgress against the authorities.

corpses (*alālu*) appears with some regularity in Neo-Assyrian royal inscriptions. To look at documentation from just one king, Sennacherib repeatedly reports that he impaled enemies on poles. In the account of his defeat of Ḫirimmu, he states, "I hung (*a-lul-ma*) their corpses on poles and placed (them) around the city."[11] Similarly, he states regarding the conquest of Ekron, "I approached Ekron and I killed the officials and nobles who had committed crime. I hung (*a-lul*) their corpses on towers around the city."[12] Even better known than these two literary accounts are the reliefs depicting Sennacherib's siege of Lachish on display in his Southwest Palace. Outside the walls of Lachish, three captives are impaled on poles while handcuffed, their bodies on display to terrorize the city's population.[13] Yet, Sennacherib did not merely resort to corpse exposure as a form of psychological warfare. He also demanded execution and hanging in at least one case of legal offense as demonstrated in the "Inscription from the Royal Road": "At any time, when one of the people who dwell in this city tears down his old house and builds a new one, if the foundation of his house encroaches upon the royal road, they will hang him (*il-la-lu-šu*) on a stake over his house."[14] This very limited survey of Mesopotamian evidence demonstrates that corpse exposure could be employed as a legal penalty or a form of

[11] RINAP 3/1 22 i 59-60.

[12] RINAP 3/1 22 iii 7b-10.

[13] Room XXXVI of Southwest Palace, panel 7. See the line drawing in James B. Pritchard, *The Ancient Near East: An Anthology of Texts and Pictures* (Princeton: Princeton University Press, 2011), plate 101. The Neo-Assyrian empire resorted to many and diverse acts of bodily mutilation, of which the impaling and exposure of corpses is just one example. For a detailed treatment with iconographic evidence of these other forms of gruesome violence, see Theodore J. Lewis, "'You Have Heard What the Kings of Assyria Have Done': Disarmament Passages vis-à-vis Assyrian Rhetoric of Intimidation," in *Isaiah's Vision of Peace in Biblical and Modern International Relations: Swords into Plowshares*, edd. Raymond Cohen and Raymond Westbrook (New York: Palgrave Macmillan, 2008), 76-89.

[14] RINAP 3/1 38 24-27.

psychological warfare. In both cases, the exposure of the corpse tends to demonstrate to onlookers the danger of disregarding the law or defying the king.

Evidence from ancient Egypt is not all too different. The Hebrew Bible envisions the ancient Egyptians practicing corpse exposure (Gen 40:19, 22; 41:13) and we find evidence of such practices in Egyptian inscriptions as well. To give just one example, the Amada Stele of Amenhotep reports on the king's successful battles against several Nubian tribes. The victorious king explains:

> When his majesty returned in joy of heart to his father Amon, it was after he had slain with his own mace the seven princes who were in the region of Takhsi, they being hung upside down on the prow of his majesty's Falcon Boat … Afterwards (the king) hung six of these wretched men before the rampart of Thebes along with the hands (amputated from other slain enemies). The (the king) transported the other wretched one to Nubia that he be hanged on the wall of Napata to demonstrate the victories of his majesty for ever and ever.[15]

Like the Assyrian king, the king of Egypt could also display corpses to send a message to rebellious enemies (as with the body of the seventh prince sent back to Nubia).[16] Yet, in this example, the king also uses exposed corpses to display his own power and authority at home in Thebes. The people of Thebes saw in the suspended enemy corpses the military prowess of their king and the danger of rebelling against him.

Several biblical texts suggest that corpse exposure was practiced in Levantine states as well. In 1 Sam 31:10-12, the Philistines impale the bodies of Saul and his sons on the wall of Beth-Shan. In response to this disgrace, the inhabitants of Jabesh-Gilead took their bodies by

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[15] Translation from Anson Rainey, "Amenhotep II's Campaign to Takhsi," *JARCE* 10 (1973): 72. Original text in *Urk* IV, 1297-1298.

[16] Contrast this brutal exposure of corpses with the extreme attention and care that the Egyptians give to the dead. Exposure of a criminal's corpse is a dramatic violation of social norms governing the treatment of the dead. Nearly every human society governs the handling and interring of the dead through carefully circumscribed customs. Thus, public shaming of the dead departs radically from social norms.

night and burned them. It may be the case that the men of Jabesh-Gilead seize and burn these corpses on the very night on which they were suspended, which would reflect the practice exhorted in Deut 21:22-23. Unfortunately, the text of 1 Samuel does not give us enough information to arrive at a definite conclusion. But, we do find that elsewhere in the Deuteronomistic History the narrator displays an active awareness of this law. For example, as we look at examples of corpse exposure in Israel, we see Joshua utilize this gruesome practice in perfect accord with Deuteronomic law:

> And he (Joshua) suspended (*tālâ*) the king of Ai on a tree/stake until evening. At sunset Joshua gave the command and they took his corpse down off the tree/stake and threw it at the opening of the city gate and they raised over it a great heap of stones, which is there to this day (Josh 8:29).

The narrator portrays Joshua as a conqueror who submits to God's law even in the midst of war. When he defeats the five Amorite kings, Joshua exposes them to great shame, having the leaders of his army put their foot on the kings' necks before executing them (Josh 10:24-26). Joshua then exposes the corpses of the defeated kings, but he shows restraint in his use of shame and psychological warfare. At evening, the kings' bodies are removed from display. Strikingly, when we turn to David's involvement in corpse exposure, we get a very different impression. Where Joshua acts as a pious conqueror, submissive to God's law, David appears as a ruthless king, acting with complete disregard for the Deuteronomic statute. First, he hangs the sons of Rimmon for murdering Ish-bosheth, the son of Saul, in his home (2 Sam 4:11-12). Yet, before displaying these men's corpses, David has his men cut off their hands and feet. Corpse mutilation precedes corpse display and contributes to its gruesome aspect. Note that David portrays their offense as severe ("wicked men have killed a righteous man in his house on his bed") and employs Deuteronomistic language of purging the land ("Shall I not require his blood from your hand and

purge [*ûbi'artî*] you from the land?"). Second, David gives seven sons of Saul to the Gibeonites to be hanged (2 Sam 21:8-10). In this case, David allows their corpses to be exposed far longer than a single day, and Rizpah, Saul's concubine recognizes the impropriety of this prolonged exposure by protecting the corpses from birds and wild animals.[17]

These select examples of corpse mutilation and exposure demonstrate that the practice was well-known throughout the ancient Near East for over a millennium (at least from the writing of Hammurabi's Code c. 1750 to the writing of Deuteronomy in about the seventh century BCE). Corpse mutilation and exposure could be used in warfare or in the execution of criminals for severe legal infractions. In either case, these gruesome acts warned all onlookers against doing what led to exposure and magnified the power of the ruling authorities over both their enemies abroad and their citizens at home.

All this explanation of how and why a corpse was exposed does not yet bring us to the heart of the law in Deut 21:22-23. The legislator's fundamental concern is that an exposed corpse be buried on the day of its exposure.[18] The text offers two potentially related reasons for prompt burial of an impaled corpse in Deut 21:23. First, the law states that an exposed corpse must be buried because, "one who is hanged is cursed by God." Second, leaving a corpse hanging in public had the potential to defile the land. The legislator states, "You must not defile your land, which Yahweh your God is giving to you as an inheritance." These two issues should motivate the proper observance of this law. To leave a cursed corpse exposed for more than a day would

[17] For another gruesome display of the dead see 2 Kings 10:1-11, where Jehu piles the heads of seventy sons of Ahab at the gates of Jezreel.

[18] For a helpful discussion of Israel's ordinary treatment of the dead see Lewis, "How Far Can Texts Take Us?," 178-180.

leave the abiding force of the perpetrator's misdeed as a potential threat to the land's purity. In the following paragraphs, I demonstrate why an exposed corpse had to be buried to prevent these concerns.

A hanged corpse should be buried on the day of its exposure first of all, according to Deuteronomy, because it is either cursed by God or an insult to God. There is an ambiguity in the Hebrew phrase here: *qillat ʾĕlōhîm tālûy*. The genitive construction could be interpreted as a subjective genitive ("cursed by God") or an objective genitive ("an insult to God"). The ancient Versions are divided in reading either subjective or objective genitive. 11QT 64:12 makes the subjective genitive explicit: "Those hanged on a tree are cursed by God and men" (*mqwlly ʾlwhym wʾnšym tlwy ʿl hʿṣ*). This text clearly adds to the biblical text (stating that the hanged person is cursed by men), but it reflects an early interpretation of the text as indicating a curse from God laying upon the impaled individual. Similarly, the subjective genitive can be found in LXX (*kekatēramenos hypo theou pas kremamenos epi xylou*), Vulg. (*maledictus a Deo est qui pendet in ligno*), and Tg. Neof. Paul likewise builds the argument of Galatians 3 on the same interpretation of the law: "Christ redeemed us from the curse of the law by becoming a curse for us, for it is written 'Cursed is everyone who is hanged on a tree'" (Gal 3:13). On the other hand, both Syr. (*mṭl dmn dmṣḥ ʾ lʾlh ʾ nzdqp*) and Tg. Onq. (*ʾry ʿl dhb qdm ywy ʾṣṭlyb*) read an objective genitive. These translations state that one who curses God will be hanged.[19] Later rabbinic tradition likewise interpreted the verse as an objective genitive but translated it differently. For the rabbis, the hanged man was a curse or insult to God. According to Lundbom, "They taught

[19] Tg. Onq. removes the word "curse" from the verse and replaces it with "sin" (חֲטָא) so as to prevent any association in the verse between the curse and the divine name. For a discussion of this phenomenon in MT and the Versions see Tov, *Textual Criticism*, 171-172.

that someone hanged brought insult to God, since humans were made in God's image."[20] The rabbinic interpretation of the objective genitive proves more compelling than that found in Syr. and Tg. Onq. since it takes account of the nominal form of *qillat*. The term expresses not a verbal action ("cursing"), but the curse or insult itself.

Grammatical considerations alone cannot adjudicate between the subjective and objective readings of *qillat ʾĕlōhîm*. Instead, the interpretation of this phrase must cohere with the overall significance of the law in which it stands. An objective genitive makes excellent sense of why the exposed corpse must be buried on the day of exposure. The exposed corpse is an insult, an abhorrent thing, in God's sight. Leaving this curse exposed in the open air would threaten the purity of the land and, more importantly, outrage God. Yet, reading the passage in this way runs up against one insurmountable difficulty. If exposure is an insult to God, it should not be performed at all.[21] Israel's judges should not undertake actions that directly offend the deity and thereby threaten the land and people. The subjective genitive avoids this difficulty, while yielding a satisfactory interpretation of the law.

If Deut 21:23 is read with a subjective genitive, then the law requires burying the corpse because it is cursed by God and therefore has potential to defile the land. The curse on the exposed criminal must be the result of his offense that led the community to impale him publicly. Craigie puts it succinctly, "The body was not accursed of God because it was hanging on a tree; it was hanging on a tree because it was accursed of God."[22] The criminal most likely committed

[20] *Deuteronomy*, 610.

[21] So also Tigay, *Deuteronomy*, 198.

[22] *Deuteronomy*, 285.

an offense his community viewed as gravely serious.[23] It was a capital crime and one of a such a serious nature that it deserved the added shame of exposing the perpetrator's corpse. The curse of God against the criminal then threatened the purity of the land.

The potential for an exposed corpse to defile the land is the second justification the legislator gives for burial on the day of exposure. The law leaves out specific details about how the exposure of a cursed person's corpse could defile the land, but the findings of the previous chapter may shed some light on the dynamic at work here. To begin with, the defiling force of the perpetrator's deed must be reckoned with. We do not know what kind of offense the criminal has committed, but the legal authorities likely considered this capital offense as morally defiling, especially since it was heinous enough to merit execution and exposure.[24] In the previous chapter I demonstrated that judicial fidelity, punishing offenders as the law requires, removes the defilement brought upon the land by their misdeeds. In the case of Deut 21:22-23, the community has punished the crime that would defile the land, thereby doing their part to guard the land's purity from the threat of the perpetrator's crime. Yet, in this unique case, the criminal's corpse remains exposed in public. To leave the corpse exposed would, according to the legislator, threaten the land with the defiling force of the perpetrator's deed. Yahweh's curse on the individual might threaten to break forth while the body remains in the open. Once the

[23] Note the serious nature of the offenses discussed in the survey of corpse exposure in the ancient Near East. While each community doubtless possessed unique reasons for the public display of corpses, one of the common denominators found in these texts was that corpse exposure was reserved for those guilty of heinous crime and rebellion. These individuals might be considered, for various reasons, enemies of law and order or enemies of the state.

[24] Timothy Reardon follows this line of reasoning: "The crime/sin itself acts as a pollutant endangering the people through moral impurity.… The curse (as a result of sin) renders the offender defiled. The burial of the cursed one demonstrates the removal of possible defilement. The criminal, in life and death, is judged to be a danger to the people." "'Hanging on a Tree': Deuteronomy 21.22-23 and the Rhetoric of Jesus' Crucifixion in Acts 5.12-42." *JSNT* 37/4 (2015): 411

community buries the morally offensive individual, the defiling potential of his misdeed is buried along with him. The defilement attaches to his body like a disease so the body must be disposed of to eradicate the threat of contagion.[25] As a result, the legislator commands Israel to bury an exposed criminal on the day of his hanging.

These controls on corpse exposure demonstrate that defilement of the land could be used to shape Israel's society. First, land defilement motivates the judicial authorities to avoid excessive shaming of condemned criminals (and those associated with them, especially the kin group). Instead of leaving a corpse exposed until it rots or wild animals consume it, the defiling potential of the corpse requires that it be buried promptly. Thus, Israel's authorities could shame those deemed most worthy of public disgrace but could do so only in a very restricted manner. Second, this law prevents Israel's authorities from establishing their power by gruesome means. Judges and rulers could publicly display their power by exposing the corpses of enemies or particularly pernicious criminals. Yet, the potential for defiling the land curbs such approaches to establishing power. Yes, leaders could expose corpses briefly, but the overall tenor of their displays of power could not consist in such grisly displays.[26] Third, the potential for land defilement also prevents Israel's leaders from motivating social conformity by means of macabre warnings. Deuteronomy motivates obedience in a variety of ways, but such gruesome warnings

[25] See Yitzhaq Feder, "Contagion and Cognition: Bodily Experience and the Conceptualization of Pollution in the Hebrew Bible," *JNES* 72/2 (2013): 151-167.

[26] It may be that the legislator of Deuteronomy is responding to the gruesome deeds of some kings in Judah and Israel (cf. 2 Sam 4:12; 21:8-14; 2 Kgs 10:1-11). This may be another example of how Deuteronomy limits the typical powers of the king. See Bernard Levinson, "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah," *VT* 51/4 (2001): 511-534.

are absent from the legal code.[27] The potential for an exposed corpse to defile the land thereby limited Israel's judicial authorities in their use of shame and violence to shape society.

Without a doubt, some aspects of this interpretation of Deut 21:22-23 are speculative, but we are driven to such speculations since the legislator provides no clear rationale for the prompt burial of exposed corpses. The advantage to this particular approach is that it brings this law into a coherent relationship with other land defilement texts. While the legislator of Deuteronomy may have conceived of land-defilement differently than the priestly legislators, this attempt at synthesizing these texts privileges priorities and concerns that we know were present in ancient Israel.

3.2 Deuteronomy 24:1-4

The next text in Deuteronomy that is related to land defilement regulates the practice of remarriage after divorce. Here, concerns with sexual conduct and relationships emerge yet again in relation to the land's purity, as already seen in the priestly literature. The legislator writes in Deut 24:1-4:

> If a man takes a woman and marries her and she does not find favor in his sight (*'im lō' timṣā' ḥēn bĕ'ênāyw*) because he has found some indecency (*'erwat dābār*) in her, so he writes her a divorce document (*sēper kĕrîtut*) and gives it to her and sends her from his house, and she leaves his house, goes, and becomes another man's wife, and the latter man hates her (*ûśĕnē'āh*) and writes her a divorce document, gives it to her, and sends her out of his house, or if the latter man dies, who took her as his wife, then her first husband, who sent her away, may not take her again as his wife because she has become defiled (*huṭṭammā'â*). For that is an abomination (*tô'ēbâ*) before Yahweh. You shall not cause the land to sin (*wĕlō' taḥăṭî' 'et hā'āreṣ*), which Yahweh, your God, is giving to you as an inheritance.

[27] See Rifat Sonsino, *Motive Clauses in Hebrew Law: Biblical Forms and Near Eastern Parallels*, SBLDS 45 (*Atlanta*: Scholars Press, 1980), 250-268.

This legal paragraph consists of one lengthy protasis (vv. 1-3) followed by a brief apodosis and three motive clauses (v. 4).[28] While the law's rationale may seem opaque to the modern reader, the ultimate conclusion of the law is transparent: a man may not remarry a wife he has divorced after she has married another in the interim.[29]

The legislator's prescriptions here are complex, so a brief summary and outline should facilitate further discussion in the pages to follow. The lengthy protasis in vv. 1-3 consists of three salient conditions. First, the woman's initial marriage comes to an end because her husband is displeased with her ("she does not find favor in his sight," *'im lō' timṣā' ḥēn bĕ'ênāyw*) and he finds some indecency (*'erwat dābār*) in her (on which, see below). Second, the woman marries another man. Third, her second marriage ends either because her second husband hates her (*śĕnē'āh*) and divorces her or because he dies.

When these three conditions are fulfilled, the legislator states that the first husband may not marry his former wife again (Deut 24:4). This prohibition of remarriage is the only true legislation in Deut 24:1-4, but the legal apodosis is followed by three additional motive clauses in v. 4 that justify the observance of this law.[30] First, the husband cannot remarry his wife because, having been divorced, remarried, and had her second marriage terminated, she is now

[28] Contemporary scholars overwhelmingly agree that the law should be divided into a single protasis (vv. 1-3) and apodosis (v. 4). This consensus, however, was not always the typical approach to the law. Tg. Onq. and Tg. Ps.-J. (followed by KJV) both read verse 1 as an independent legal sentence containing both a protasis and apodosis. This approach is adopted by a few modern interpreters, such as David Instone-Brewer, "Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate," *JJS* 49/2 (1998): 230.

[29] Note that in the Qur'an, Sura ii 230 completely reverses the legislation found here in Deuteronomy. There, a man may not remarry his wife until she has married another man.

[30] See Craigie, *Deuteronomy*, 304.

defiled (*huṭṭammā'â*).[31] Second, the husband cannot reclaim his former wife in these circumstances because to do so would constitute an "abomination" (*tô'ēbâ*) before Yahweh. Third, the legislator emphasizes that such situations of remarriage ought to be avoided because they would cause the land to sin (*wĕlō' taḥăṭî' 'et hā'āreṣ*).

3.2.1 Deuteronomy 24:1-4 and Land Defilement

Given this summary of Deut 24:1-4, it may not be immediately clear why I have included this passage in my treatment of the defilement of the land in the Hebrew Bible. But there are several good reasons for interpreting this legal paragraph as a text concerned with Israel's potential to defile the land. First, the final motive clause, which urges Israel not to cause the land to sin, should be understood as a warning against defiling the land. This motive clause is reused in Jer 3:1, where the prophet substitutes the verb *ḥnp*, "to pollute," for *ḥṭ'* (Hiphil), "to cause to sin." Jeremiah says, "If a man divorces his wife and she goes from him and becomes another man's wife, will he return to her? Would not that land be greatly defiled (*ḥānôp teḥĕnap*)?" In Jeremiah, the violation of Deut 24:1-4 (there metaphorically applied to Israel's marriage to Yahweh) results in defilement of the land.[32] The translators of the LXX agree with Jeremiah's

[31] The Perfect verb *huṭṭammā'â* is preceded by the compound prepositional construction *'aḥărê 'ăšer*. Most English translations read this construction as "after," but this rendition has been modified by Eve Feinstein, who translates "because" (*Sexual Pollution*, 54). Feinstein's translation of *'aḥărê 'ăšer* as "because" fits quite well in four of the eight other passages that use the construction: Joshua 24:20, "If you abandon Yahweh and serve foreign gods, then he will turn, harm you and consume you because (*'aḥărê 'ăšer*) he has done good to you;" and Judges 11:36, "And she said to him, 'My father, you have opened your mouth to Yahweh. Do to me as according to what came out of your mouth because (*'aḥărê 'ăšer*) Yahweh has worked vengeance for you against your enemies, the Ammonites;'" Judges 19:23b, "No, my brothers, you must not act wickedly. Because (*'aḥărê 'ăšer*) this man entered my house you must not do this outrageous thing;" 2 Sam 19:31, "And Mephibosheth said to the king, 'Let him take everything, because (*'aḥărê 'ăšer*) my lord the king has come safely home.'"

[32] See Patrick Miller, *Deuteronomy* (Louisville: John Knox, 1990), 164.

interpretation. In both Jer 3:1 and Deut 24:4, the LXX translator uses the Greek verb *miainō*, "to defile, stain." While this verb appropriately renders *ḥnp* in Jer 3:1, it is not a literal translation of MT's *ḥṭ'* in Deut 24:4.[33] Additionally, Carolyn Pressler observes that the last motive clause of Deut 24:4 bears striking resemblance to the motive clause in Deut 21:23, discussed in the preceding section:

> *wĕlō' tĕṭammē' 'et 'admātĕkā 'ăšer yhwh 'ĕlōhêkā nōtēn lĕkā naḥălâ* (Deut 21:23b)
>
> You must not defile your land, which Yahweh your God is giving to you as an inheritance.
>
> *wĕlō' taḥăṭî' 'et hā'āreṣ 'ăšer yhwh 'ĕlōhêkā nōtēn lĕkā naḥălâ* (Deut 24:4c)
>
> You must not cause the land to sin, which Yahweh your God is giving to you as an inheritance.[34]

Thus, several features of the final motive clause indicate that it concerns defilement of the land.

A second reason to see defilement of the land in Deut 24:1-4 is the use of disgust language in this passage. The emotion of disgust plays a significant role in several other land-defilement texts, such as Lev 18 and 20, examined in the preceding chapter. Some of the same language we have already seen appears here as well. For a husband to return to his wife after an intervening marriage is called an "abomination" (*tô'ēbâ*, Deut 24:4). Such language draws attention to Israelite social boundaries. Behaviors described as "abominable" are those that characterize the outsider, the non-Israelite. In the case of Deut 24:1-4, the taboo against

[33] This may be the result of a different Vorlage behind LXX which reads *ḫnp*, but the substitution of *ḫnp* for *ḥṭ'* cannot be easily explained as a form of graphic confusion.

[34] See Pressler, *The View of Women Found in the Deuteronomic Family Laws*, BZAW 216 (Berlin: De Gruyter, 1993), 50, n. 20. The similarity between Deuteronomy 21:23 and 24:4 should not be overstated. While the concluding phrase of each verse is identical (*'ăšer yhwh 'ĕlōhêkā nōtēn lĕkā naḥălâ*, "which Yahweh your God is giving to you as an inheritance"), the same, or nearly identical, phrase appears repeatedly elsewhere in Deuteronomy (4:21; 12:9; 15:4; 19:10, 14; 20:16; 25:19; 26:1). Nevertheless, none of these other verses shares the same syntax in the preceding phrase as do Deuteronomy 21:23 and 24:4.

remarrying one's wife after an intervening marriage most likely was not universal in the ancient Near East. The emotional language of revulsion serves to strengthen a prohibition that may not have been embraced by the audience. Rhetorically, such emotional language proves more useful than cool reason for reinforcing patterns of behavior that are not universally accepted.

Deuteronomy 24:1-4 uses a second term of revulsion, which has confounded scholars for centuries: *'erwat dābār*. The law states that the first husband is displeased with his wife because he finds in her an *'erwat dābār*, literally, "nakedness of a thing." This phrase informed rabbinic debates about divorce in the Second Temple period (cf. *m. Gittin* 9:10). The school of Shammai said that a husband should divorce his wife only in cases where she was guilty of some indecency (focusing on the term *'erwâ*, "nakedness"), but the school of Hillel said that a husband could divorce his wife "even if she has merely burnt his dish" (focusing on the term *dābār*, "a thing").

More recent scholarship has struggled to define *'erwat dābār* precisely. Some suggest that a physical deficiency, such as inability to bear children, or menstrual irregularity, could be implied.[35] In both cases, a husband would be motivated to divorce his wife because of her inability to bear children. In the case of menstrual irregularity more specifically, the wife would also be sexually off-limits to her husband because of her ritual impurity (cf. Lev 15:25). Other scholars state that the *'erwat dābār* constitutes some kind of sexual offense less serious than adultery. Since adultery results in the death penalty (cf. Deut 22:22; Lev 20:10), it cannot be the meaning of *'erwat dābār* because the woman would be put to death, not simply divorced. But scholars have good reason to suppose that *'erwat dābār* has some sexual connotation. The term

[35] See e.g., Craigie, *Deuteronomy*, 305; John Walton, "The Place of the *Hutqaṭṭel* Within the D-Stem Group and Its Implications in Deuteronomy 24:4," *Hebrew Studies* 32 (1991): 14.

ʿerwâ, "nakedness," appears repeatedly in Lev 18 and 20 in the phrase *gillâ ʿerwâ*, "to uncover nakedness" as a description of sexual intercourse. Some scholars, noting the use of *ʿerwâ* in these chapters of Leviticus, suggest that the term bears a similar sexual connotation here in Deuteronomy. [36] Sophie Démare-Lafont even goes so far as to suggest that the sexual misconduct designated by *ʿerwat dābār* may have involved matrimonial plans with her second husband.[37] These scholars have reasonable grounds for suggesting that *ʿerwat dābār* bears a sexual connotation, but the use of this phrase elsewhere in Deuteronomy raises some serious complications.

The phrase *ʿerwat dābār* appears only twice in the Hebrew Bible, once in Deut 24:1 and again in Deut 23:15 [14]. The latter text describes the need for Israel's soldiers to keep their military encampment clean from nocturnal emissions and human excrement (Deut 23:10-15 [9-14]). These natural human byproducts are described in the passage as *ʿerwat dābār* and *dābār raʿ*, "a bad thing" (Deut 23:10). In this text the phrase *ʿerwat dābār* describes something unclean and disgusting to its audience, which needs to be removed from the presence of Yahweh, who resides in the midst of the military encampment. Yet, these unpleasant excretions from Israel's soldiers are designated *ʿerwat dābār* without themselves being tied to any sexual act. As a result, the strictly sexual interpretation of *ʿerwat dābār* should be called into question. The phrase has a wider semantic range than the merely sexual, designating things deemed disgusting or repulsive by the legislator (which may include some sexual behaviors, but are not limited to them).

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[36] See e.g., Lundom, *Deuteronomy*, 670; Richard Davidson, "Divorce and Remarriage in the Old Testament: A Fresh Look at Deuteronomy 24:1-4," *Journal of the Adventist Theological Society* 10/1-2 (1999): 6; Jonathan Burnside, *God, Justice, and Society: Aspects of Law and Legality in the Bible* (Oxford: Oxford University Press, 2011), 339.

[37] *Femmes, Droit et Justice dans l'Antiquité orientale: Contribution à l'étude du droit penal au Proche-Orient ancient*, OBO 165 (Göttingen: Vandenhoeck & Ruprecht, 1999), 42.

Beyond the sexual, *'erwat dābār* may designate human excrement, something repulsive, which needs to be covered up and kept distant from the holy. As a result, it seems best to regard *'erwat dābār* more broadly as something that conjures up revulsion in a person. Jonathan Burnside notes regarding both laws mentioning *'erwat dābār*:

> [They are] concerned with how things look to the offended parties and how this creates feelings of revulsion. They are described in terms of how they are presented to the senses. It is the sensory perception of the *'ervat dabhar* that creates the disturbance.[38]

That which is *'erwat dābār* is something to be covered over, removed from contact with that which is pure or holy, and held at a distance.[39] Just as human excrement should be buried outside the military camp, so also a husband who sees something revolting in his wife might choose to set her at a distance from himself by divorcing her.

The reasons for connecting Deut 24:1-4 to land defilement extend beyond the final motive clause and use of disgust by the legislator. The text also identifies the woman who has remarried as somehow "defiled" (*huṭṭammā'â*). The verb *huṭṭammā'â* has been identified by Hebrew grammarians as a rare Hothpaal form of *ṭm'*, "to be unclean."[40] Of course, the defilement of the woman is not the same as the defilement of Israel's land, but the fact that this scenario has somehow brought about pollution suggests that the pollution of the land itself may also be possible.

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[38] Burnside, *God, Justice, and Society*, 339.

[39] See Davidson, "A Fresh Look at Deuteronomy 24:1-4," 6.

[40] See GKC §54h; Joüon §53h; *IBHS* §26.3b. For further discussion of this matter see the excurses below: Is There a Hothpaal in Biblical Hebrew?

The verb *taḥăṭî'* which appears in Deut 24:4 utilizes personification in a manner similar to that seen in other land-defilement texts. As demonstrated in the previous chapter, Lev 18 personifies the land as experiencing disgust at the people's behavior. When Israel comports herself in a manner considered repulsive by the legislator, the land responds by physically expelling the polluting people from its midst. In Deut 24:4, the legislator likewise personifies the land as an entity that can respond to Israel's behavior. English translations gloss over the precise nuance of the Hiphil verb used in this text by translating the phrase *lō' taḥăṭî' 'et hā'āreṣ* as "you shall not bring guilt on the land" (NRSV) or "you shall not bring sin upon the land" (JPS, NIV). In these renditions of the verb *taḥăṭî'* the focus of the verbal action is on the people's imposing sin or guilt on the land. In this rendition, the land appears a passive victim. Oddly enough, those same English translations handle the same verb quite differently when it appears elsewhere. The Hiphil of *ḥṭ'* would ordinarily be expected to mean, "to cause to sin," since the Hiphil is the causative stem in Biblical Hebrew. This use of the verb is exactly what we find in 28 of the 31 other verses that use the Hiphil of *ḥṭ'*.[41] In the vast majority of these cases, the verb describes a king of Israel or Judah causing the people of his kingdom to sin by leading them astray through some kind of unacceptable worship. The causative sense of *ḥṭ'* in the Hiphil thus seems the most appropriate way to translate the verb in Deut 24:4. In this case, the phrase in question should be rendered, "Do not cause the land to sin." This rendering of the verb transforms the land from a

[41] These 28 verses are Ex 23:33; 1 Kgs 14:16; 15:26, 30, 34; 16:2, 13, 19, 26; 21:22; 22:53; 2 Kgs 3:3; 10:29, 31; 13:2, 6, 11; 14:24; 15:9, 18, 24, 28; 17:21; 21:11, 16; 23:15; Jer 32:35; Neh 13:26. Three other verses use the Hiphil of *ḥṭ'*: 1) Judg 20:16 uses the verb to describe slingers "missing" a target (literally, "causing [their projectile] to sin/miss;" 2) Isa 29:21 uses the Hiphil in a delocutive sense, "to declare to be a sinner," (cf. *IBHS* §27.2e); 3) Qoh 5:5 [6] uses the Hiphil of *ḥṭ'* in a somewhat unclear way in the phrase *'al tittēn 'et pîkā laḥăṭî' 'et bĕśārekā*, which means, "Do not let your mouth cause your flesh to sin." This last example, though unclear, seems most likely to be another case of the Hiphil of *ḥṭ'* meaning "to cause to sin," but I have excluded it from the list because it is somewhat ambiguous.

passive object (as in most English translations) into an active agent. As the people of Israel behave corruptly (by transgressing the norms found in Deut 24:1-4) they cause their land to mimic their sinful deeds. In this case, the land responds to offensive action not by rejecting the people (as in Lev 18 and 20), but by imitating them. As the people corrupt themselves through their inappropriate behavior, so their land likewise corrupts itself.

Finally, Deut 24:1-4 can be compared to other land-defilement texts in its regulation of sexual offenses. As we have seen already in Leviticus (and will see again in later chapters), the land of Israel could be defiled through the Israelites' sexual misconduct. The regulation of divorce and remarriage in Deut 24:1-4 plainly appears to be yet another case of the biblical legislators prohibiting certain sexual unions. Thus, the very type of behavior prohibited in Deut 24:1-4 is the type of behavior a reader sensitive to the defilement of the land would come to expect.

Excursus: Is there a Hothpaal in Biblical Hebrew?

Before proceeding to a discussion of the purpose of Deut 24:1-4 and the role land defilement plays in this text, we must give attention to the rare verb *huṭṭammā'â* in v. 4 since our interpretation of the legal paragraph depends, in part, on its translation. As mentioned above, grammarians of Hebrew have identified this verb as a rare Hothpaal form.[42] Joüon describes this verbal stem most explicitly, stating that it is a "secondarily passivized" form of the Hithpael.[43] He seems to mean by this that the Hothpaal stem has been derived secondarily from the Hithpael

[42] See GKC §54h; Joüon §53h; *IBHS* §26.3b.

[43] Joüon, ibid.

as a passivized form of the reflexive stem. The Hebrew Bible contains only four examples of the Hothpaal: *huṭṭammā'â* (Deut 24:4); *hukkābbēs* (Lev 13:55, 56); and *huddašĕnâ* (Isa 34:6).[44] The /u/ vowel that has replaced the /i/ of the Hithpael prefix demonstrates the passive nature of these verbal forms.

While the four Hothpaal forms in the Hebrew Bible all clearly bear a passive nuance in context, they display some significant irregularities. First, and most importantly, none of the Hothpaal verbs displays the *tav* of the stem's prefix in the consonantal Hebrew text. This absence means that evidence for the existence of a Hothpaal stem is based completely on the Masoretic vowel points, an addition to the consonantal Hebrew text inserted many centuries after its composition.[45] For two of the attested words, the absence of the *tav* is unsurprising (*huṭṭammā'â* [Deut 24:4] and *huddašĕnâ* [Isa 34:6]). The verbal roots *ṭm'* and *dšn* begin with dental consonants. In such an environment, the prefixed dental *tav* regularly assimilates to the first root consonant. But for the two Hothpaals in Lev 13:55, 56 (*hukkābbēs*, 2x), the Masoretes would have the reader understand that the *tav* of the prefix has assimilated to the initial *kaph* of the verbal root. This case of assimilation proves extraordinarily strange. Nowhere in biblical Hebrew (or any other Semitic language) does the dental *tav* regularly assimilate to *kaph* (or other any

[44] Some scholars also consider the verb *hotpāqĕdû* a Hothpaal as well (Num 1:47; 2:33; 26:62; I Kgs 20:27). See e.g., Eve Feinstein, *Sexual Pollution in the Hebrew Bible* (Oxford: Oxford University Press, 2014), 213, n. 58. I have excluded *hotpāqĕdû* from my analysis of the Hothpaal for several reasons. First, this verb lacks the expected doubling of the second radical. Second, this verb seems to be identical in meaning to the Hithpael of the same verbal root (cf. Judg 20:15, 17; 21:9). Third, the apparently Hithpael form of *pqd* likewise lacks the expected doubling of the second radical, which suggests that these forms may not be Hithpael at all. Some have suggested that *pqd* may have a Gt instead of a Dt stem (Joüon §53e; Feinstein, *Sexual Pollution*, 213, n. 58). Alternatively, Joüon suggests that the verb could be "a T-conjugation of Pā'ēl, which corresponds to the sixth conjugation in Arabic *tafā'ala*" (Joüon §53e). For these reasons, I exclude *hotpāqĕdû* from my analysis of the biblical Hebrew Hothpaal. Yet, the very strangeness of these Hothpaal-like forms corresponds with the pattern of frequent oddities surrounding Hothpaal verbs noted below.

[45] See Pressler, *View of Women*, 48, n.9.

velar stop consonant). Admittedly, the absence of the *tav* in these four Hothpaal terms may be purely accidental. The odd disappearance of this crucial morphological feature may be an accident of preservation, especially since the Hebrew Bible possesses only four examples of the Hothpaal. Yet, the extraordinary assimilation of a dental, *tav*, to a velar, *kaph*, in Lev 13:55, 56 introduces another possibility. Perhaps the Masoretes have incorrectly vocalized these four verbs as Hothpaal.

A second problem with the potential existence of a Hothpaal in biblical Hebrew centers on the use of the verb *ṭm'*, "to be unclean." In an article concerning the relationship between the Niphal and Hithpael stems in biblical Hebrew, Joel Baden observes some oddities surrounding the reflexive use of *ṭm'*.[46] But before these oddities can be properly understood, Baden's argument concerning the Niphal and Hithpael needs to be summarized. Baden observes that the Hithpael, the typically reflexive Hebrew stem, rarely appears with a passive sense (he finds only three unambiguous examples). The Niphal stem, on the other hand, though frequently used as a passive stem in Hebrew, also regularly conveys a reflexive meaning.[47] Baden summarizes, "the Niphal frequently shares the basic reflexive meaning of the Hithpael, but the Hithpael almost never takes the passive meaning primarily associated with the Niphal."[48] This grammatical fact leads to an intriguing observation regarding the reflexive use of *ṭm'*. Reflexive forms of *ṭm'* appear in both the Niphal and Hithpael stems. Yet, the distribution of the verb in these two stems raises suspicion: every Hithpael form appears in the imperfect tense (15x), while every Niphal

[46] Joel Baden, "Hithpael and Niphal in Biblical Hebrew: Semantic and Morphological Overlap," *VT* 60 (2010): 38-39.

[47] Ibid., 34-37.

[48] Ibid., 37.

form appears in the perfect tense (16x) or participle (2x).[49] One point about these forms needs to be made. The Hithpael imperfect forms, in a pre-Masoretic, unvocalized Hebrew text would be indistinguishable from Niphal imperfects because the *tav* of the Hithpael would assimilate to the first root consonant (as noted above regarding the Hothpaal of *ṭm'*). Thus, in Baden's view, all of the imperfect forms of *ṭm'* should be repointed as Niphal:

> Because the Niphal perfects are unambiguously marked by their initial *n*, and given the complete absence of any Hithpael perfects, it seems probable that the Hithpael was in fact not a productive stem for this root, and that the imperfects should all be repointed as Niphals. This, however, begs the question of how they became pointed as Hithpaels in the first place if the Hithpael was otherwise unattested. The most likely answer is that later scribes recognized that these verbs were semantically reflexive, which they associated with the Hithpael; as they were loath to change the consonantal text, there was little to be done about the Niphal perfects, but the imperfects could be and were repointed to make them the expected Hithpael form.[50]

Baden's analysis of *ṭm'* makes good sense of the verb's use in the Hebrew Bible. But, if *ṭm'* does not appear in the Hithpael, would it not be strange to suggest that this verbal root does appear in the extremely rare Hothpaal stem? The existence of a Hothpaal, as a passive form secondarily derived from the Hithpael, would seem to depend on a verb having a productive Hithpael form. Since *ṭm'* lacks a Hithpael, as Baden has convincingly demonstrated, the presence of a Hothpaal in Deut 24:4 proves highly suspicious.[51]

Thus far, three of the four Hothpaal verbs in the Hebrew Bible display irregularities that call into question the accuracy of their vocalization. With the fourth Hothpaal verb (*huddašĕnâ*,

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[49] See ibid., 38, where Baden claims that the Niphal of *ṭm'* appears only in the perfect tense, but this is slightly inaccurate. Two of the examples he lists in fact contain a Niphal participle: *niṭmĕ'îm* (Ezek 20:30, 31). Nevertheless, these participles do not undermine Baden's argument.

[50] Baden, "Hithpael and Niphal in Biblical Hebrew," 39.

[51] So also Feinstein, *Sexual Pollution*, 253, n. 18.

"it has become fattened," Isa 34:6), the oddities continue, though here the strange features of the verb are subtler. This verbal form of the root *dšn* begins with a dental consonant, so the assimilation of the *tav* of the Hothpaal is entirely normal.[52] But, the second root consonant of this verb has apparently lost its gemination. The verb should have had the original form *hutdaššĕnâ* > *huddaššĕnâ* in the Hothpaal (GKC §54h). Instead, the form in Isa 34:6 is *huddašĕnâ*, with the loss of gemination in the second root consonant.[53] The grammars argue that the reduction of the theme vowel to *shewa* resulted in the loss of gemination of the second consonant (cf. GKC §20m; Joüon §18m), but the removal of gemination from a *shin* in such a context is unheard of.[54] The Masoretic accent on *huddašĕnâ* is also quite odd. The verb should be accented on the final syllable. Instead, the accent appears on the second syllable. Gesenius suggests that the Masoretes have treated the final -*nâ* as though it were the suffix for a feminine plural form.[55] Yet, the verb is quite clearly feminine singular since in context the subject is *ḥereb*, "sword" (f.), and the poetic parallelism places *huddašĕnâ* in parallel with another unambiguous feminine singular form: *mālĕʾâ*, "it (f.) became full." Gesenius's proposal would further require that the Masoretes misunderstood the verbal root *dšn*, regarding the final *nun* as part of the verbal sufformative instead of the verbal root. Yet *dšn* and its cognate noun *dešen* appear in the Hebrew Bible twenty-nine times, sufficiently often to make it implausible that the Masoretes would have misunderstood this verbal root. That being said, even though a Masoretic scribe should have

[52] Though note the lack of assimilation of *tav* to *dalet* in *mitdappĕqîm* (Judg 19:22).

[53] The vowel of this verb is not lost, it being a case of virtual doubling (Joüon §18b).

[54] Joüon notes that this type of "semi-gemination" or "weak gemination" occurs primarily with initial *yod*, regularly with initial *mem* in the Piel and Pual participle after the definite article, often with the liquids *lamed, mem,* and *nun*, and occasionally with *waw* (Joüon §18m).

[55] GKC §54h

understood both the root *dšn* and the fact that the verb is feminine singular (given the subject *ḥereb*), the scribe easily could have made a mistake when replicating this form. The Hothpaal form is already highly unusual, so a scribe who was even slightly inattentive may have stumbled over the form and introduced further changes that fail to accurately reflect the original pronunciation. Since the text of Isa 34:6 reads *huddašĕnâ mēḥēleb*, "it has been fattened with fat," the presence of *dšn*, "to become fat," could hardly be questioned in this context. It seems highly improbable that an attentive scribe would have been so confused by the term *huddašĕnâ* that he would regard it as a feminine plural form from an otherwise unknown weak verb, but not every scribe was entirely careful when copying. Thus, we are left to wonder why this apparently Hothpaal verb has lost the gemination of its second root consonant and shifted the accent to the second syllable. These irregularities are not extraordinary, but they defy any obvious explanation apart from the mistaken modifications of an inattentive scribe.

To summarize thus far, the Hebrew Bible contains four verbs from three roots that have been identified as Hothpaal forms. In every case, the apparently Hothpaal verb displays significant irregularities. In two cases (Lev 13:55, 56) the dental *tav* of the Hothpaal stem assimilates to a velar *kaph*, something unheard of in Semitic or other languages. In the Hothpaal verb found in our text (Deut 24:4), the very existence of the Hithpael (and consequently Hothpaal) of *ṭm'* has been called into question. And finally, in Isa 34:6, the verb *huddašĕnâ* lacks the expected gemination of the second radical and has been accented on the "wrong" syllable. Taken together, the problems with these four verbs complicate the very existence of the Hothpaal in biblical Hebrew.

A few scholars have recognized the problems surrounding the Hothpaal in biblical Hebrew and have offered one possible solution. In their view, the Hothpaal forms are actually

mixed verbal forms, combining features of the Hithpael and Hophal stems. C. C. Torrey follows this line of reasoning, contending that the origin of the vowel points on Hothpaal verbs was meant to show that there were two alternative readings in either the Hithpael or Hophal stems.[56] Given the absence of the *tav* that marks the Hithpael, these scholars tend to read the consonantal text as Hophal.[57] In the case of Deut 24:4, a Hophal rendering of *ḥṭm'h* would be either a causative passive, "she has been defiled," or a declarative passive, "she has been declared defiled."[58] This suggestion appears reasonable enough, but it is not without its own difficulties. The three verbal roots attested in the Hothpaal (*ṭm'*, *kbs*, *dšn*) never appear in the Hiphil or Hophal stems. At the very least, then, it seems implausible to posit the existence of a Hophal form of these verbs in such unique circumstances.

Another, more promising, solution involves repointing the vowels of the Hothpaal verbs so that they become Niphal infinitives. The four verbs in question are clearly passive in meaning and all begin with *he* (*hkbs, ḥṭm'h, hdšnh*), which has led the Masoretes and more recent scholars to read them as examples of some *he*-preformative stem (either Hothpaal or Hophal). Yet, biblical Hebrew possess another passive stem, which in some forms begins with *he*: the Niphal. While many Niphal forms display a preformative *nun*, both the imperative and infinitive show a *he* at the beginning of the word. In none of the verses examined here does an imperative suit the context, but an infinitive bears significantly more promise.

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[56] *The Second Isaiah: A New Interpretation*, (New York: Charles Scribner's Sons, 1928), 284. Followed by Pressler, *View of Women*, 48, n. 9; Feinstein, *Sexual Pollution*, 253, n. 18.

[57] Pressler, Ibid.

[58] See Pressler, ibid.

To begin with the simplest example, *hukkābbēs* in Lev 13:55, 56 can easily be repointed as *hikkābēs*, thus making it a Niphal infinitive construct. The repointing of MT requires a simple adjustment to the preformative vowel and removal of gemination from the second root consonant. Most importantly, *hukkābbēs* is a Hothpaal infinitive construct, so replacing this form with a Niphal infinitive construct presents no syntactical difficulties. Yet, if we read a Niphal form of *kbs* in these two verses, we need to explain why the Masoretes chose to read the rare Hothpaal instead of the very common Niphal stem. Simply put, the Niphal infinitive construct is an obvious *lectio facilior*. Favoring this easier reading of the consonantal text demands justification. There are, however, good reasons to suppose that the Masoretes would have been uncomfortable reading a Niphal form of *kbs* here. First, *kbs* nowhere occurs in the Niphal stem in biblical Hebrew. While this might seem a fatal blow to the argument being made here, one must recognize, secondly, that the verb *kbs* does appear three times in the Qal stem (2 Kgs 18:17; Isa 7:3; 36:2). In all three texts, *kbs* appears in the geographical name *śĕdēh kōbēs*, "the washer's field." Because *kbs* is attested so rarely in the Qal (and that only in a geographical name) the Masoretes may have been reticent to suppose that the verb could be used in the Niphal as the passive counterpart to the Qal stem. Third, while *kbs* nowhere appears in the Hithpael (Dt), it overwhelmingly occurs in the related Piel (D) stem (forty-four times). Note that *kbs* also appears twice in the passive Pual (Dp) stem two times. Thus, of its forty-nine occurrences beside the two in question here, forty-four are Piel, two Pual, and three Qal. Clearly, *kbs* appears prevailingly in the family of D stems. As a result, it seems plausible that the Masoretes, upon encountering the consonantal text *hkbs* would have been forced to reckon with some kind of passive verb (based on context) with a prefixed *he* and doubled second radical (since it is most likely related to the D stem group). The prefixed *he* on this form excludes the simple possibility of reading a Pual, the

expected passive form of *kbs*. While they could have read a Niphal infinitive here, the usage of *kbs* in the Piel and Pual elsewhere in the Hebrew Bible may have inclined the Masoretes toward the supposition of a Hothpaal (Dpt) in Lev 13:55, 56.

The Hothpaal verb in Deut 24:4 (*huṭṭammā'â*) likewise presents the possibility of repointing as a Niphal infinitive, though there are some minor difficulties in this case. There is no morphological problem with repointing the consonantal text *ḥṭm'h* as a Niphal infinitive: *hiṭṭāmē'āh*, "her being defiled." The one problem with reading the Niphal infinitive in Deut 24:4 is the syntactical context of the verb. As the text stands, we find the phrase *'aḥărê 'ăšer huṭṭammā'â*, which consists of the prepositional phrase *'aḥărê 'ăšer*, "because," followed by a verb in the perfect tense. A review of every verse in which *'aḥărê 'ăšer* appears in the Hebrew Bible reveals that this prepositional construction (almost) always precedes a perfect tense verb.[59] If this syntactical consideration requires that we read a perfect tense verb in Deut 24:4, then the Hothpaal must remain. A Niphal perfect would express a *nun* preformative, not a *he*. Yet, another option presents itself. Instead of reading a Niphal infinitive construct, which fits at best uncomfortably in context, we could read a Niphal infinitive absolute functioning as a perfect tense verb. Note also that the syntactical context in Deut 24:4 bears a striking similarity to that found in Lev 13:55, 56, which reads in both verses *'aḥărê hukkābbēs* (or *hikkābēs*, as suggested above). The only syntactic difference between Leviticus 13:55, 56 and Deuteronomy 24:4 is the insertion of *'ăšer* before the verbal form. If a Niphal infinitive construct proves the most plausible interpretation of *ḥṭm'h*, then *'ăšer* would simply have to be deleted from the verse as an

[59] The texts in which *'aḥărê 'ăšer* appears are Josh 2:7; 9:16; 23:1; 24:20; Judg 11:36; 19:23; 2 Sam 19:31; Ezek 40:1. Technically, two of these examples are ambiguous as to whether the verb following the prepositional construction is a participle or in the perfect tense (both read *bā'*). Regardless, in no case does *'aḥărê 'ăšer* precede an infinitive.

early scribal error.[60] Such an error could have crept into the text when an early scribe incorrectly analyzed the infinitive construct *hiṭṭāmē'āh* as a verb in the perfect tense. Yet again, even if this *'ăšer* is retained, we can interpret the verb as a Niphal infinitive absolute taking the place of the perfect tense. If the infinitive absolute is the correct reading, this may explain in part why the Masoretes have misread the verb as a Hothpaal form. The scribe may not have anticipated such an uncommon use of the infinitive absolute and supplied a different passive form in the Hothpaal to make sense of what seemed to him a perfect tense verb.

While repointing the Hothpaal verbs as a Niphal infinitive works reasonably well in Lev 13:55, 56 and Deut 24:4, the verb *huddašĕnâ* in Isa 34:6 resists such an interpretation. In this case, the verb *hdšnh* must be perfect because of the poetic parallelism it shares with the perfect verb *mālĕ'â*. Again, with the verb *dšn*, we find a case where the Piel and Pual predominate the attested forms. The verb *dšn* appears six times in the Piel and four in the Pual, but only once each in the Qal and Niphal.[61] Strikingly, one attestation of *dšn* in the Pual appears in Isa 34:7 (*yĕduššān*), the verse immediately following ours.[62] Once again, the D forms of this verb appear most frequently (though the attestations are less statistically significant since the verb is relatively uncommon). The prevalence of such forms may have led the Masoretes to interpret the form *hdšnh* as a verb having a doubled second radical. Yet again, the *he* prefix prevents reading this passive verb as a Pual (which is attested in Isa 34:7), so the Masoretes chose to point the

[60] I claim that the scribal error is early because *'aḥărê 'ăšer* is attested in all known manuscripts of Deuteronomy 24:4, including 4QDeut[a] and an (admittedly unclear) fragment of 4QDeut[f].

[61] *Piel*: Ex 27:3; Num 4:13; Ps 20:4; 23:5; Prov 15:30; *Pual*: Isa 34:7; Prov 11:25; 13:4; 28:25; *Qal*: Deut 31:20 *Niphal*: Sirach 14:11 (a very late attestation).

[62] The use of *dšn* in Isa 34:6 and 7 is remarkably similar. Isa 34:6 reads *huddašĕnâ mēḥeleb*, "it [Yahweh's sword] is gorged with fat." Isa 34:7 reads *wa'ăpārām mēḥeleb yĕduššān*, "their soil sill be gorged with fat."

verb as a Hothpaal, a passive verb with prefixed *he* and a doubled middle radical. In Isa 34:6 the consonants could support a reinterpretation as a Niphal infinitive, but the context seems to demand a perfect tense verb. As a result, once again, as in Deut 24:4, the most plausible solution that avoids reading a Hothpaal would be to interpret the verb as a Niphal infinitive absolute standing for a finite verb.

The four examples of the Hothpaal in biblical Hebrew present the reader with significant difficulties. Maintaining the vowel points of MT confronts the reader with several highly implausible readings of the biblical text. Suggestions to repoint MT, while more plausible, have their own weaknesses. To read these four verbs as Hophal seems impossible since none of them appear in the Hiphil or Hophal elsewhere in biblical Hebrew. To read them as Niphal verbs bears more promise, but still runs up against seemingly insurmountable difficulties in the analysis of *hdšnh* in Isa 34:6. If a clear solution to this problem exists, this author has not yet found it. Nevertheless, additional considerations beyond a focus on the specific Hothpaal forms themselves further weaken any argument for the existence of a Hebrew Hothpaal stem.

No later Hebrew dialect or other Semitic language possesses a stem comparable to the supposed Hothpaal in biblical Hebrew. Later dialects of Hebrew continue to attest the Hithpael (Dt) stem, but nowhere does a Hothpaal (Dpt) appear. Likewise, other Semitic languages lack any Dpt form. Aramaic (including Syriac) widely attests a Dt verbal form. Yet, unlike the reflexive Hebrew Hithpael, these Aramaic Dt verbs convey passive verbal action. As a result, deriving a passive Dpt stem from a morphological Dt already passive in meaning would be senseless. In Ugaritic, a Dt stem is attested, but quite infrequent. In fact, the Ugaritic Dt appears so infrequently that scholars struggle to determine exactly how it functions. Josef Tropper merely

observes that, unlike Aramaic, the Dt in Ugaritic does not express a passive nuance.[63] In unvocalized languages like Ugaritic, we cannot determine whether a form is morphologically active or passive in every case because the expression of passive function may be determined by vowels absent from the text. Nevertheless, the lack of attested passive meanings for the (admittedly infrequent) Dt forms in Ugaritic suggests the language has no Dpt stem. Akkadian also possesses a Dt stem, which functions very much like that found in Aramaic. The Akkadian Dt most frequently conveys a passive meaning (GAG §93b). As in Aramaic, it hardly makes sense to posit that a passive stem (the Dt) would lead to the development of a secondarily derived Dpt stem that is (somehow further?) passive in meaning. The only Semitic language that appears to contain anything like the Hothpaal is Arabic. The Arabic Form V is the verbal stem that contains a doubled middle radical and a prefixed *t*(*a*). This verbal stem functions as the "reflexive/medio-passive of Form II [= D stem]."[64] Arabic grammars describe the Form V as possessing both an active and passive form. So, in this particular language, we have both a Dt and Dpt stem. Nevertheless, Arabic grammars that describe the passive Form V do not offer a specifically passive interpretation of these verbal forms. As a result, the comparison of biblical Hebrew with other Semitic languages reveals the anomalous character of the Hothpaal. Were some of these other languages to possess a Dpt stem, then the existence of a Hothpaal would be more compelling. But, given the absence of such related stems, the Hothpaal's existence appears improbable.

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[63] *Ugaritische Grammatik: Zweite, stark überarbeitete und erweitete Auflage*, AOAT II/273 (Münster: Ugarit-Verlag, 2012), §74.436.

[64] Wheeler Thackston, *An Introductin to Koranic and Classical Arabic* (Cambridge: Harvard University Press, 1990), 175. See also Wolfdietrich Fischer, *A Grammar of Classical Arabic: Third Revised Edition*, trans. Jonathan Rodgers (New Haven: Yale University Press, 2001), §§167, 219.

Finally, the biblical Hebrew Hothpaal should be rejected as a verbal stem because a passive stem derived secondarily from the Hithpael would have no obvious meaning. Scholars agree that the Hothpaal must have a passive meaning, but they seem to overlook that deriving a passive verbal stem from the reflexive/reciprocal Hithpael yields incoherent results. Waltke and O'Connor give a helpful summary of the Hithpael's function:

> The *Hithpael* is used primarily as the double-status (reflexive/reciprocal) counterpart of the *Piel* stem. The object of causation in the *Piel* is the subject of the *Hithpael* and transforms itself/is transformed into the effected state signified by the root.[65]

The very reflexive/reciprocal nature of the Hithpael makes it impossible to render the verbal action passive. Such reflexive/reciprocal verbal action requires the verbal subject to act on itself. As soon as that verbal subject becomes the passive recipient of verbal action, it no longer acts on itself. As a result, most attempts to translate the Hothpaal surreptitiously introduce a notion of causation foreign to the meaning of D stems. For example, when translating the Hothpaal *huṭṭammā'â* (Deut 24:4), scholars give such renderings as, "she has been made/caused to defile herself" or "to be made to make/declare/consider oneself to be unclean."[66] The introduction of causation into the translation of the Hothpaal may be attractive because it makes translating these verbs possible, but it ultimately makes the Hothpaal into a stem that should be more closely related to the causative Hebrew stems (Hiphil and Hophal) than to the Piel and Hithpael. Simply put, the typical renderings of the Hothpaal call for two semantic transformations of the Hithpael,

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[65] *IBHS* §26.2a.

[66] Davidson, "A Fresh Look at Deuteronomy 24:1-4," 12; Walton, "The Place of the *Hutqaṭṭel* Within the D-Stem Group," 12, respectively. See also Feinstein, *Sexual Pollution*, 253, n. 18; Ellens, *Women in the Sex Texts of Leviticus and Deuteronomy: A Comparative Conceptual Analysis*, LHBOTS 458 (New York: T & T Clark, 2008), 239.

the first widely acknowledged and the second never mentioned, and possibly introduced without conscious reflection: 1) making the verbal action passive; 2) making the verbal action causative. Without introducing both the passive and causative verbal nuances, the Hothpaal would be an incoherent stem. Yet, the transformation of the Hithpael by making the verbal action both passive and causative seems semantically impossible. Scholars have been forced into this conclusion by their acceptance of MT's vocalization as Hothpaal, but a better approach to these verbal forms would be to repoint them as some other type of Hebrew passive.

Given the unlikely existence of a biblical Hebrew Hothpaal, the verb *huṭṭammā'â* in Deut 24:4 needs to be reanalyzed. While no repointing of this verb is airtight, two approaches bear more promise than reading a Hothpaal: 1) Reading a Hophal perfect: *hoṭmĕ'â*; 2) reading a Niphal infinitive *hiṭṭāmē'āh*. The Hophal interpretation, while preferable to a Hothpaal, seems nearly impossible to maintain since *ṭm'* nowhere appears in either the Hiphil or Hophal stems. I prefer reading a Niphal infinitive absolute in this text, though this form is not without difficulties of its own. It would appear that repointing *huṭṭammā'â* to a Niphal infinitive construct requires the deletion of the relative pronoun from the immediately preceding expression *'aḥărê 'ăšer*, a change that cannot be justified on text-critical grounds. A Niphal infinitive absolute requires no such emendation. Assuming the presence of a Niphal infinitive in Deut 24:4 yields a translation of this phrase: "because she was defiled." The Niphal verb expresses only that the woman was made somehow impure in the process of divorce and remarriage.

3.2.2 Evaluating Approaches to Deuteronomy 24:1-4

Scholars have adopted a great variety of approaches to the legal rationale of Deut 24:1-4. The basic sense of the legal paragraph is quite clear: a husband who divorces his wife may not

remarry her if she has married another man in the interim. But why not? The legislator gives no reason for the prohibition beyond the motive clauses in verse 4: 1) the woman has been defiled (*huṭṭammā'â* or *hiṭṭāmē'â*); 2) it is an abomination to Yahweh; 3) and breaking this law would cause Israel's land to sin. Presumably, the reasoning inherent in this prohibition would have been clear to its Israelite audience, but modern biblical scholars have lost such sensibilities over the millennia. As a result, scholars offer many different interpretations of the prohibition against restoration of marriage.

Some interpreters contend that Deut 24:1-4 intends to prevent hasty divorce. They state that the law was given for the benefit of the first husband. If he were to divorce his wife and she subsequently married another, then he would not be able to take her back. S. R. Driver also observes that the law implements some barriers to hasty divorce. For Driver, the *'erwat dābār* must be a "definite and substantial" ground for severing the bond of marriage.[67] Additionally, the husband must have a divorce document prepared, serve it to his wife, and send her away from his home.[68] By imposing these burdens on the first husband and potentially prohibiting remarriage to his wife, the legislator intends to curb trivial and unnecessary divorces and the disruption they bring to family life in Israel.[69] Yet, several factors demonstrate that Deut 24:1-4 could not have been drafted merely to prevent hasty divorce. First, such a detailed law would do nothing to prevent divorce at the moment a husband considered it. Rare would be the man, who, desiring to divorce his wife, considered in that moment the future possibility of remarrying her. The very

[67] *A Critical and Exegetical Commentary on Deuteronomy*, ICC (New York: Charles Scribner's Sons, 1895), 270.

[68] Ibid., 271.

[69] See Instone-Brewer, "Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate," 230.

purpose of divorcing his wife would be to remove her from his life and family. To think of remarriage at such a time would be extremely unusual. Further, Driver's proposed barriers to divorce cannot be the purpose of the law. Each of his barriers (significant as they may be) appears in the protasis of the law, not its apodosis. These barriers are assumed in the legal scenario, they are not specifically demanded by the legislator. The legislator's focus is on the apodosis and motive clauses in verse 4. This information centers on the prohibition of restored marriage and the outcomes of violation of the law, matters which have nothing to do with preventing hasty divorce. Deuteronomy 24:1-4 would be a rather strange law for restraining Israelites from quick divorces. It offers an unusual motivation (prevention of remarriage in a unique hypothetical scenario) and contains many details that would seem highly irrelevant to anyone who would contemplate severing the marital bond.

Another common approach to Deut 24:1-4 involves suggesting that the law prohibits a legalized form of adultery or wife-swapping. In this interpretation, the law's rationale is to prevent one man from divorcing his wife as a mere formality so that another can sleep with her. If a husband were to divorce his wife so that another could take her, then the first husband could not return to his wife whom he so mistreated.[70] But, if this law aims to prevent such sexual use of one man's wife, why does the protasis include the possibility of the second husband's death? Surely, any feigned second marriage would not have been intended to last so long. Additionally, wife swapping seems highly unlikely to be the problem in this text because the first husband

[70] See, e.g., Gordon Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from* Malachi, (Eugene: Wipf & Stock, 1994), 76, n. 144; Instone-Brewer, ibid., 234. Older scholars such as Nahmanides and Sforno adopted this interpretation, which was followed also in the Protestant Reformation. John Calvin stated, "The reason of the law is, that, by prostituting his wife, he would be, as far as in him lay, acting like a procurer." *Commentaries on the Last Four Books of Moses Arranged in the Form of a Harmony*, trans. Charles William Bingham, (Grand Rapids: Eerdmans, 1979), III:94.

explicitly dislikes his wife. She "finds no favor in his eyes" (*lō' timṣā' ḥēn bĕ'ênāyw*) and he finds "some indecency" (*'erwat dābār*) in her.[71] Nothing in the text indicates that the two men have together orchestrated their divorces for the sexual use of the woman.

While the first two approaches to Deut 24:1-4 contend that the law regulates the first husband's divorce of his wife, a third interpretation of the passage focuses on the stability of the woman's second marriage. For these scholars, the legislator intends to safeguard the woman's second marriage by preventing her first husband from taking her back. As much as the first husband might regret divorcing his wife, the law cuts off any possibility of reclaiming her. Whatever overtures, or even bribes, he might offer to his former wife or her second husband cannot result in restoration of his marriage. Likewise, if the wife were to prefer her first husband, the law prevents her from renewing that marriage no matter how much she attempts to disrupt her second marriage.[72] But again, if the purpose of this law is to safeguard the second marriage, why would the legislator mention the second husband's death? Lundbom suggests that the first husband might conspire a plot to kill the second husband.[73] But such murderous conspiracy seems well outside the purview of this law because the husband would be subject to the death penalty for murder (cf. Deut 19:11-13). Israel's legal system already contains sufficient motivation to prevent the first husband from violently disrupting the second marriage. The law seems to have in view the second husband's natural death, an outcome that has nothing to do with any conspiracy to terminate the second marriage in favor of restoring the first.

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[71] See Tigay, *Deuteronomy*, 220.

[72] See Reuven Yaron, "The Restoration of Marriage," *JJS* 17 (1966): 9.

[73] *Deuteronomy*, 673.

None of the three approaches examined so far explains why the legislator disapproves of the remarriage of the first husband to his wife. Several scholars have attempted to account for the legislator's abhorrence for remarriage to the first husband by describing it as an incestuous union. These scholars observe that the legislator uses the Hebrew terms *'erwâ* ("nakedness") and *tô'ēbâ* ("abomination"), which also appear in Lev 18 and 20, texts that clearly prohibit incest (among other prohibited sexual unions). Gordon Wenham has offered the most substantial defense of this position. He observes that marriage places a husband and wife in the closest kind of relationship. A man and woman, when joined in marriage, become "one flesh" (Gen 2:24). Wenham also contends that a wife can be called her husband's "sister" (cf. Gen 12:13,19; 20 :2ff; 26 :7ff). For Wenham, "Divorce did not terminate this relationship; she still counted as a very close relative. If a divorced couple want to come together again, it would be as bad as a man marrying his sister."[74] With this approach to Deut 24:1-4, we see scholars taking account of more of the terminology of the text and explaining the rationale for the legislator's actual goal: prohibiting the restored marriage. Yet, the supposition that a restored marriage would be incestuous stumbles over some substantial hurdles. First, if divorce makes it impossible to remarry one's former spouse because of a kinship bond, then the second marriage in verses 2-3 of our text is completely irrelevant. Whether or not the woman remarries, her husband should not be able to return to her because she is his close relative.[75] Sophie Démare-Lafont has replied to this objection by stating that verses 2-3 serve to demonstrate that the woman, by remarrying, has

[74] "The Restoration of Marriage Reconsidered." *JJS* 30 (1979): 40. Cf. Yaron, "The Restoration of Marriage," 8; Miller, *Deuteronomy*, 164; Lafont, *Femmes, Droit et Justice*, 42.

[75] So also Feinstein, *Sexual Pollution*, 58.

committed no infidelity, but has conducted herself in a fully legal manner.[76] While it is true that the woman's remarriage is portrayed as entirely legal, the remarriage itself proves fundamental to the prohibition of remarriage. Verses 2-3 form part of the legal protasis, demonstrating that marriage to a second man is an essential precondition for the prohibition of remarriage to the first husband. The incest approach fails to account for the legal significance of this second marriage. Second, scholars like Wenham contend that a husband and wife, even once divorced, share a close kinship bond that prevents their remarriage. Yet, while husbands and wives do share an extremely close legal relationship in marriage, we have no evidence that this family relationship persists after divorce.[77] Third, Eve Feinstein notes that divorce cannot logically lead to incest. If sex is permissible to a husband and wife, who share a kinship bond while married, then it cannot logically become incestuous only following divorce.[78] The two partners bear the same familial relationship both during marriage and after divorce. If sexual relations are incestuous after divorce, then they would be equally incestuous for the duration of the marriage.

Some scholars examine Deut 24:1-4 with a focus on the impact such serial divorce and remarriage could have on the wife. They contend that the legislator endeavors to preserve the woman's dignity and prevent her from being treated as mere property to be used by the men who marry her. Richard Davidson, for example, states that the law prevents the woman from being treated like chattel by the men who marry (and divorce) her.[79] She cannot merely be traded back and forth at will. For Davidson, "The law is aimed, in its final placement within the larger

[76] *Femmes, Droit et Justice*, 42.

[77] See Instone-Brewer, "Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate," 232.

[78] *Sexual Pollution,* 58.

[79] Davidson, "A Fresh Look at Deuteronomy 24:1-4," 19.

context, to protect the woman from being robbed of her personhood."[80] Alternatively, for Gordon McConville, the woman is declared unclean (*ṭm'*) because her first husband has publicly shamed her and driven her into a second marriage.[81] The woman is a victim, and the law protects her from being driven from one marriage to another. Yet, there are several problems with this interpretation of the text. First, the death of the second husband has, once again, nothing to do with mistreatment of the remarried woman. Perhaps the second husband's divorce could be construed as a form of treating the woman like property, but his natural death cannot be interpreted in this manner. It would be entirely irrelevant if the legislator's purpose is merely to protect the wife from mistreatment. Second, the legislator clearly indicates that the first husband has grounds for divorce: "some indecency" (*'erwat dābār*). While we may not know exactly what *'erwat dābār* means, the legislator uses the phrase to describe the real grounds claimed by the first husband for the termination of his marriage. Third, the law of Deut 24:1-4 prohibits restoration of marriage to the first husband after an intervening marriage. If the legislator attempts in this paragraph to protect the woman from mistreatment, he has introduced his prohibition rather late in the process. According to scholars like Davidson and McConville, the first husband has already wronged his wife in the process of the first divorce. Then, her second husband, by divorcing her again, has also mistreated her. The legislator only steps in to put a stop

[80] Ibid., 20. In making this claim, Davidson follows an earlier study by Steven Kaufman, who contends that the legal core of Deuteronomy has been patterned after the Decalogue. In his analysis, Deuteronomy 24:1-4 falls within the section corresponding to the commandment, "You shall not steal." See Steven Kaufman, "The Structure of the Deuteronomic Law," *Maarav* 1-2 (1978-9): 105-158.

[81] J. G. McConville, *Deuteronomy*, AOTC 5 (Downers Grove: InterVarsity, 2002), 359-360. See the similar approach in Walton, "The Place of the *Hutqaṭṭel* Within the D-Stem Group," 14-15. Eve Feinstein has offered a helpful critique of Walton's specific approach in *Sexual Pollution*, 57.

to this cycle by the time the woman has already been harmed by both men. If the legislator truly intends to protect the woman in Deut 24:1-4, he has failed miserably.

More recently, Raymond Westbrook has offered a novel approach to Deut 24:1-4, wherein he determines that the legislator employs the legal rule of estoppel to keep the first husband from reversing his determination about his wife. In brief, a court estops an individual (the act of estopping is called estoppel) by preventing him from going back on his word. As a result, estoppel may inhibit an individual from making an otherwise valid legal claim. In making his case, Westbrook leans heavily on the terminological distinction between the two divorces in Deut 24:1-4 as well as the legal practice and terminology found in other ancient Near Eastern traditions. He observes that the first husband divorces his wife because of "some indecency" (*'erwat dābār*) whereas the second divorces her because "he hates her" (*ûśĕnē'āh*). For Westbrook, the first husband has grounds for his divorce while the second does not. By comparing this situation with other legal material in the ancient Near East, Westbrook comes to conclude that the legislator prohibits the first husband from taking back his wife because he would benefit financially from reversing his initial legal declaration regarding his wife's dissatisfactory condition.

Westbrook's argument rests, first of all, on his observation that a divorced wife would normally receive a financial settlement upon leaving her husband's home in the ancient Near East. If a marriage were dissolved by either death or divorce, the wife would receive back her dowry and typically some payment from the husband's resources as well. Westbrook assumes that biblical law shared this general principle.[82] On the contrary, if a wife had committed some

[82] "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4," in *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook*, edd. Bruce Wells and Rachel Magdalene (Winona Lake: Eisenbrauns, 2009), 396. The wife's financial compensation at her husband's death can be seen in CH §171-172 and NBL §12. Compensation

offense that justified her husband in divorcing her, then her financial outcomes were far worse.[83] In CH §141 a woman decides to leave her husband and frivolously wastes her husband's resources or disparages him. She thereby forfeits compensation in the divorce proceedings. If she chooses to leave, but does so without committing any fault, then she receives her dowry in return (CH §142).[84] Many centuries later, *m. Ketub.* 7:6 indicates that a woman who breaks the law of Moses or Jewish custom could be divorced without payment. Westbrook summarizes:

> If the wife was guilty of misconduct, which could be in the sphere of her financial and household duties or, from the examples in CH and in the Mishnah, sexual misconduct not amounting to adultery but rather in the sphere of indecency or immodesty, her husband was justified in divorcing her without the usual financial consequences. She forfeited her right to divorce-money and apparently her dowry as well.[85]

According to Westbrook, the phrase *'erwat dābār* in Deut 24:1 corresponds to this type of misconduct on the part of the wife. Her first husband divorces her because of some misconduct. As a result, the husband would have no obligation to compensate her financially upon divorce.[86]

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at divorce is attested in LU §9-10, CH §138-140, and *m. Ketub.* 1:2. One piece of potentially contrary evidence is MAL A §37: "If a man divorces his wife, if it is his desire, he shall give her something (*libbušuma mimma iddanašše*); if that is not his desire, he shall not give her anything, and she shall leave empty-handed." Westbrook argues that MAL A §37 fits into his paradigm: "MAL A 37 appears at first sight to allow the husband total discretion in whether to give his wife a divorce settlement, but… it must be read in the light of paragraphs 20 [sic.] and 38, which refer to the restoration of the dowry and the forfeiture of the bride-price respectively. It should also be read in the light of the husband's contractual obligations, Assyrian marriage contracts being in no way special in this respect. Possibly paragraph 37 is denying a right to a statutory minimum as awarded by CU 6-7 [sic. for LU §9-10] and CH 138." Ibid., 395, n. 27. One piece of evidence Westbrook seems to overlook is the specific nature of MAL A §38. This law, which he compares to MAL A §37, only applies to the case of a married woman who still resides in her father's home (perhaps in inchoate marriage?). As a result, Westbrook's attempt to disregard the significance of MAL A §37 seems misplaced.

[83] Westbrook, ibid., 396.

[84] See also CH §143, which indicates that a woman who fails to manage finances properly and disparages her husband could be executed.

[85] Westbrook, "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4," 398.

[86] Ibid., 399. So also Bruce Wells, "The Hated Wife in Deuteronomic Law." *VT* 60 (2010): 142.

For Westbrook, the second divorce in Deut 24:1-4 differs entirely from the first. The second husband divorces his wife without grounds. The terminology for the divorce in Deut 24:3 differs from that found in Deut 24:1. In this case, the husband does not find an *'erwat dābār* in his wife, but rather he "hates her" (*ûśĕnē'āh*). Westbrook argues that the verb "to hate" combined with another verb of action (in Deut 24:3 *šlḥ*, "to divorce") denotes an action undertaken without objective grounds. He assembles a great deal of evidence from ancient Near Eastern legal texts to support this claim. Some of the most relevant textual support for Westbrook's interpretation of Hebrew *śn'*, "to hate" comes from the Aramaic documents of the Jewish colony at Elephantine. Several of the texts preserved in this collection are marriage contracts. In each marriage contract (*TAD* 2.6; 3.3; 3.8), provisions are included in which *śn'* is spoken by either spouse and results in the wife leaving the home.[87] Each contract shows a case of hatred resulting in the dissolution of the marriage.[88] Likewise, an Old Babylonian marriage contract uses the terms "hate" (Akkadian *zêru*) and "divorce" in parallel.[89] Westbrook contends that the use of "hate" in these and other sources is an abbreviation for "hate and divorce."[90] Yet,

[87] In *TAD* 3.8, the language of hatred is followed by *verba solemnia* of divorce. The husband, Ananiah, states, "I hate my wife Jehoishma; she shall not be my wife" (*TAD* B3.8:21-22). Likewise, his wife, Jehoishma states, "I hate you; I will not be your wife" (*TAD* B3.8:25).

[88] Note, however, that the Elephantine marriage contracts do not state in any explicit sense that the divorce was undertaken out of purely subjective grounds. Westbrook has to supply this information from his comparison to the use of hatred language in other ancient Near Eastern legal texts.

[89] CT 6 26a. The clauses in question reads, "If H (husband) divorces W (wife) … if W hates H…" Note the similar use of hatred language for the dissolution of adoption in a late bronze Akkadian text from Ugarit (RS 15.92).

[90] The verbs "hate" and "divorce" appear in conjunction together in several texts. A marriage contract from Alalakh reads *šum-ma* H W [*i-z*]*í-ir-šu ù i-zi-bu-šu*, "If W hates H and divorces him" (*JCS* 8 7 no. 94, 17-19). Similarly, a NA marriage contract reads *sum-ma* H *e-zi-ra e-zip-pi* SUM-*an*, "If H hates, divorces, he must pay" (*Iraq* 16 37-39 [ND 2307]). Note that there is some debate about how to read this text. Nicholas Postgate reads *e-sip-ši* SUM-*an*, "he shall pay (back the dowry) to her two-fold." *Fifty Neo-Assyrian Legal Documents* (Warminster: Aris and Phillips, 1976), 105-106. *CAD* E s.v. *ezēbu* emends the text to *e-zib-ši*, "her dowry." In the scribal lexical list of legal terminology *ana ittišu* one formula reads, "if a wife hates her husband and says, 'You are not my husband'" (MSL I 7 IV 1-5).

none of the foregoing examples demonstrates that "hate" involves acting without grounds. Westbrook considers the strongest evidence for his claim to be several laws from CH and LE that use "hate" outside the context of divorce. In both LE §30 and CH §136 a man "hates" his city and flees from it. As a result, if his wife remarries in the interim, he cannot reclaim her as his own. Or in CH §142 a woman "hates" her fiancé and refuses to marry him. And in CH §193 an adopted son "hates" his adoptive parents and returns to his biological family. According to Westbrook, in each of these cases:

> The motivation appears to turn what might otherwise be an innocent act into a guilty one, and we therefore feel justified in applying the terminology of modern criminal law: it is the *mens rea*, the "guilty mind," which is a necessary constituent of the offense. The verb "hate" is used to show that the action arose from a subjective motive and without objective grounds to justify it–and for this reason is blameworthy.[91]

For Westbrook, an act motivated by "hatred" in ancient Near Eastern law is a subjective act, undertaken without legitimate grounds. As a result, he views the divorce in Deut 24:3 as a subjective divorce in which the husband is guilty of dismissing his wife without reason.

Westbrook contends that the legislator of Deut 24:1-4 places the weight of his legal argument on the distinction between the two divorces in the text: one with grounds (*'erwat dābār*) and the other without (*ûśĕnē'āh*). Because the first husband divorces his wife for cause, he avoids financial penalties. The woman commits some indecency and thereby suffers financial penalties to the benefit of her husband in the divorce settlement. After remarrying, the woman's second marriage ends quite differently. In this case, her husband either dies or divorces her without grounds. In either case, the woman would be well supplied in the second divorce. She would receive her dowry, possibly some marital gifts from the second husband, and money

[91] "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4," 401.

awarded to a divorcée or widow. At this point, Westbrook observes that the woman has become enriched and thereby attractive to her first husband. "Now that she is a wealthy widow or divorcée, the first husband forgets his original objection and seeks to remarry her."[92] The legislator, in preventing remarriage, precludes the husband from reversing his earlier judgment about the woman's fitness to be his wife. He has already claimed that the woman bears some fault(s) warranting dissolution of the marriage and he has profited financially from that claim. The law of Deut 24:1-4 prevents the husband from reversing his testimony and remarrying his former wife for the purpose of additional financial gain. In modern legal terms, this is a case of estoppel, the rule that prevents a person who has profited by making a particular claim from later reversing that claim for the sake of financial gain. In Deut 24:1-4, Westbrook associates the estoppel with the phrase "after she has been defiled" (*'aḥărê 'ăšer huṭṭammā'â*).[93] The first husband declared his wife unclean and he cannot reverse this judgment. She remains off-limits to him because he cannot reverse his judgment of her impurity for the sake of his own financial gain.

Westbrook offers a detailed analysis of Deut 24:1-4 in its ancient Near Eastern context. His interpretation is particularly strong because he pays special attention to the terminology used in the pericope and explains why either death or divorce has the same consequences in the second marriage. Nevertheless, Westbrook's interpretation of this passage bears some significant flaws. First, Westbrook fails to explain why *'erwat dābār* particularly suits the context of divorce with grounds. While he rightly observes that divorcing one's wife on the basis of concrete legal

[92] Ibid., 403.

[93] Westbrook states (incorrectly) that the verb is Hophal and translates "she has been caused to be unclean." Ibid., 404.

grounds would result in a favorable financial outcome for the husband, Westbrook does not demonstrate why the phrase *'erwat dābār* particularly reflects such a scenario. Second, Westbrook's interpretation of *śn'* overstates the ancient Near Eastern evidence. He has narrowed the semantic range of *śn'* in legal texts too tightly by limiting it to actions undertaken out of a subjective (and therefore blameworthy) motivation. Third, Westbrook seems to overstate his case for a common Near Eastern legal tradition regarding financial compensation for divorce. While ancient Near Eastern societies certainly shared some common customs and regulations, their legal traditions were not monolithic. Fourth, Westbrook's interpretation of this law makes little sense of the motivation clauses in Deut 24:4. And finally, Westbrook cannot explain the use of Deut 24:4 in Jer 3:1 if his interpretation of the passage is correct.

In connecting *'erwat dābār* to divorce based on grounds, Westbrook makes a substantial (though not necessarily unwarranted) logical leap. He has gathered examples of divorce spanning many centuries of ancient Near Eastern history and concluded that *'erwat dābār* in Deut 24:1 stands for a legally justifiable reason for a divorce. He likewise assumes that the legists of Deuteronomy share the broader ancient Near Eastern pattern of financial payment in a divorce. Westbrook bases the latter assumption on his thesis that ancient Near Eastern scribes shared a common legal tradition.[94] The former assumption is less persuasive because Westbrook fails to explain why *'erwat dābār* should denote legitimate grounds for divorce. Especially complicating for Westbrook's argument is the use of *'erwat dābār* in Deut 23:15 [14], where it describes human excrement or a nocturnal emission. Westbrook fails to explain why the phrase particularly suits these two seemingly unrelated cases. In Deut 23:15 [14], *'erwat dābār* describes something

[94] See Westbrook, "Biblical and Cuneiform Law Codes," in *Law from the Tigris to the Tiber*, I: 3-20.

as trivial (though repulsive/polluting) as human excrement. Yet, in Deut 24:1, the term reflects a wife's misdeed significant enough for her husband to divorce her.

Similarly, when Westbrook describes *śn'*, "to hate," as a verb describing subjective and blameworthy action, he assumes more than the Near Eastern legal texts can support. Westbrook rightly notes that the language of hatred regularly appears in contexts of divorce extending from the Old Babylonian to the Persian period. Nevertheless, not one of these texts ascribes guilt to someone who "hates" his or her spouse.[95] CH §142 presents a major problem for Westbrook's argument. In this law, a woman "hates" her fiancé and, according to Westbrook, should be held guilty for such groundless action. Yet, in CH §142 if the woman is without fault, but her fiancé has committed some misdeed, then she suffers no penalty. According to Westbrook's interpretation, this woman should be guilty, but the legislator states that she "hates" her fiancé and remains without fault.[96] Furthermore, none of Westbrook's cases of hatred in Near Eastern law demonstrates a lack of grounds for the action undertaken by the subject. He correctly observes that the subject of these laws always acts out of hatred, but not even the laws outside the realm of divorce bear evidence that the action is groundless. A man might hate his city or his adoptive parents and so leave them, but this in no way indicates that the action was groundless.[97] In fact, the emotional state of hatred itself may be the grounds for undertaking the actions

[95] See also Feinstein, *Sexual Pollution*, 59.

[96] The relevant portion of CH §142 reads *sinništum šî arnam ul išu*, "that woman will bear no penalty."

[97] See Feinstein, *Sexual Pollution*, 215, n. 94. Deborah Ellens, who follows Westbrook's approach, herself agrees that the evidence is "admittedly circumstantial" and that "Westbrook has found no cuneiform text which explicitly indicates that 'hate' signifies dissolution without grounds." *Women in the Sex Texts of Leviticus and Deuteronomy*, 240-241.

described in these laws: divorce, dissolution of adoption, and departure from one's city.[98] In every case, an individual severs a relational bond out of hatred. Yet, none of these legal texts indicates that the subject's hatred lacks grounds or makes him or her blameworthy. In view of these points, several scholars argue that the two divorces in Deut 24:1-4, though described with different terminology, comprise similar situations.[99] The legislator varies the description of each divorce so as to avoid excessive repetition and because the specific details of the first divorce (Deut 24:1) are assumed in the second (Deut 24:3).

Westbrook admirably devotes a great deal of attention to ancient Near Eastern legal traditions regarding marriage and divorce as he attempts to understand Deut 24:1-4. Nevertheless, the evidence does not fully support his assumption that Near Eastern societies shared a broad consensus regarding financial compensation in divorce. Only the Code of Hammurabi and the Mishnah (separated by nearly two millennia) require a man to compensate his divorcée. None of the other texts regarding divorce calls upon the husband to compensate his wife. Even more troubling for Westbrook's position is MAL A §37, which places financial compensation under the husband's discretion regardless of his wife's guilt. The Near Eastern evidence regarding financial compensation for divorce simply does not present a consistent picture.[100] Additionally, the correspondence between Mesopotamian and biblical law regarding

[98] See Eckart Otto, *Gottes Recht als Menschenrecht: Rechts- und literaturhistorische Studien zum Deuteronomium,* BZAR 2 (Wiesbaden: Harrassowitz, 2002), 256.

[99] See e.g., Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 271-272; Davidson, "A Fresh Look at Deuteronomy 24:1-4," 11.

[100] See Feinstein, *Sexual Pollution*, 59 and Otto, *Gottes Recht als Menschenrecht*, 257.

divorce is uncertain.[101] Deuteronomy 24:1-4 is the only divorce law in the Hebrew Bible and gives us little reason to favor one particular tradition as the closest Near Eastern parallel.

Even more problematic for the purposes of the argument in this chapter, Westbrook's interpretation of Deut 24:1-4 makes very little sense of the motive clauses at the end of the text. Westbrook himself notes that the final part of the pericope "seems somewhat harsh for a case of unjust enrichment."[102] To his credit, Westbrook attempts to incorporate these clauses into his interpretation. As noted above, he reads *huṭṭammā'â* as a description of the husband's declaration regarding his wife's unsuitability to remain married to him. She has not actually been defiled. Instead, *ṭm'* merely denotes that the wife has been deemed unfit to remain married to her husband. At the very least, such a use of *ṭm'* would be quite unusual. Regarding the next motive clause, which states that restoration of marriage would be an "abomination" (*tô'ēbâ*), Westbrook contends that this terminology can be used for financial offenses and not merely sexual misdeeds.[103] This use of *tô'ēbâ* appears in both Deuteronomy (23:13-16) and Proverbs (11:1; 20:10, 23) to condemn deception and hypocrisy.[104] Since Westbrook interprets Deut 24:1-4 as restricting a specific financial offense, he deems the use of *tô'ēbâ* appropriate to the context. Yet, *tô'ēbâ* appears more frequently in descriptions of sexual offenses in the Hebrew Bible (cf. Lev 18:22, 26-30; 20:13; Deut 23:19; 1 Kgs 14:24; Ezek 16:22; 22:11; 23:36; 33:26).[105] Given the

[101] See Otto, Ibid., 256

[102] "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4," 404.

[103] The use of *tô'ēbâ* for sexual misconduct is well attested in the Hebrew Bible, as seen in the previous chapter regarding Leviticus 18 and 20.

[104] See Moshe Weinfeld, *Deuteronomy and the Deuteronomic School,* (Winona Lake: Eisenbrauns, 1992), 267-268.

[105] Even more common than either sexual or financial offenses are religious misdeeds, especially idolatry, described as *tô'ēbâ*.

fact that Deut 24:1-4 regulates Israel's customs regarding marriage and divorce and makes no explicit statement about financial matters, the possibility that *tô'ēbâ* bears a sexual association seems strong here. When it comes to the third motive clause in Deut 24:4 regarding causing the land to sin, Westbrook says nothing about how this warning fits with his interpretation of the text.

The last weakness in Westbrook's approach to Deut 24:1-4 consists in his failure to account for the quotation of this text in Jeremiah 3:1. The prophetic quotation gives no consideration to financial matters in the case of remarriage. Thus, Westbrook claims that the legal scenario in Jeremiah differs from that found in Deuteronomy, yet in so doing he overlooks the difference between metaphorical language in the prophets and the precise and technical nature of biblical law.[106] Westbrook's approach to Deut 24 forces him to drive a strained wedge between the legal text and the prophet's reapplication of it in a new context.[107]

Eckart Otto, in his analysis of Deut 24:1-4, contends that the dissolution of the first marriage is considerably more serious than other scholars have argued. In his opinion, the first husband divorces his wife because she has committed adultery. The *'erwat dābār* that leads to the end of the first marriage is, for Otto, the wife's sexual liaison with another man. Most scholars assume that *'erwat dābār* cannot describe adultery because Deut 22:22 prescribes the death penalty for both parties who commit adultery. Otto rebuts, however, that this text only applies to adulterers caught *in flagrante dilecto* since the law opens, "If a man is found lying

[106] See Feinstein, *Sexual Pollution*, 216, n. 98.

[107] See Otto, *Gottes Recht als Menschenrecht*, 257; Pressler, *View of Women*, 58

with a married woman…"[108] At the same time, Otto notes that other cases of adultery in the Hebrew Bible do not result in the death penalty (Hos 2:4-5 [2-3]; Prov 6:32-35). Otto compares ancient Near Eastern legislation regarding adultery and observes that a husband had several legal recourses when his wife was found guilty of adultery. Mesopotamian legal texts do prescribe the death penalty for adultery (cf. MAL A §13), but in other places they leave the punishment for adultery up to the offended husband's discretion (cf. CH §129; MAL A §15). In Otto's view, the different outcomes of these cases are the result of whether they go to public trial or not. When a husband takes the case against his wife to a public trial, he forfeits his right of discretion over the punishment. Thus, texts that prescribe the death penalty for adultery pertain to publicly tried cases.[109] In the case of Deut 24:1-4, Otto considers *'erwat dābār* a specifically sexual offense, comparing the use of *'erwâ* in Lev 18 and 20, where it frequently describes such misdeeds. In his view, Deut 24:1 describes a case of adultery in which the husband has exercised his discretion by merely divorcing his wife instead of having her (and her lover) executed. As a result, the motive clauses in Deut 24:4 regarding defilement and abomination have to do with the wife's sexual offense. Thus, for Otto, the husband cannot remarry his wife because she committed adultery against him, and he had determined that the appropriate penalty for her misbehavior was to divorce her.

While Otto's approach to this law attractively incorporates relevant ancient Near Eastern legal material, several aspects of his interpretation are unconvincing. First, Otto reads *'erwat dābār* as the legislator's euphemistic description of adultery. Yet, he fails to explain why this

[108] *Gottes Recht als Menschenrecht*, 258.

[109] Ibid., 261.

ambiguous phrase could be used to describe both something as serious as adultery and something as trivial as human excrement (Deut 23:15 [14]). The latter text makes clear that *'erwat dābār* is not a strictly sexual term.[110] Second, Otto cannot explain why the second marriage in the passage is legally significant. If the first husband divorces his wife for adultery and cannot then remarry her, the intervening marriage to another man serves no legal function. It does not change the woman's status in any meaningful way vis-à-vis her first husband. Third, while Otto correctly acknowledges that Mesopotamian law codes allow a husband to commute his wife's death sentence for adultery, the unequivocal evidence of the biblical legal material indicates that adultery was always punished by death.[111] While Deut 22:22 does use the language for exposing an adulterous liaison *in flagrante dilecto*, nowhere else in the legal code of Deuteronomy do we find any evidence for a different legal response if a couple were convicted of adultery based on the testimony of witnesses and circumstantial evidence. Other biblical legal texts likewise prescribe death as the punishment for adultery without specifying that the couple was caught in the act (cf. Lev 20:10; Deut 22:23-24).[112] While Otto's approach to this legal paragraph makes good sense of the strong language used in the motive clauses of verse 4, he fails to account for several important factors in the immediate context and the broader setting of biblical law.

Finally, one last group of scholars suggests that the first husband cannot reclaim his wife because it would create a situation analogous to adultery. These scholars note that the pattern of

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[110] See Lafont, *Femmes, Droit et Justice*, 87.

[111] See Ibid., 87; Feinstein, *Sexual Pollution*; Moshe Greenberg, "Some Postulates of Biblical Criminal Law" in *Yehezkel Kaufmann Jubilee Volume*, Ed. Menahem Haran (Jerusalem: Magnes), 5-28

[112] In some cases, adultery could not be proven even by circumstantial evidence. The biblical legislators recognize this dilemma and prescribe a religious ordeal that a husband may put his wife through in order to prove her guilt or innocence in Numbers 5:11-31.

adultery in the Bible is for a married woman to have a sexual relationship with her husband, then another man, and to return to a sexual relationship with her husband. Thus, if the woman remarries her first husband after marriage to another man, there is a strong parallel with the pattern of adultery.[113] The legislator does not restrict the woman from marrying a third man. Only with respect to her first husband is she considered defiled; she cannot return to him.[114] The motive clauses in verse 4 describe a case of adultery quite well. The woman's second marriage causes her to become defiled (*huṭṭammā'â*) as in cases of adultery elsewhere in the Hebrew Bible (cf. Lev 18:20, 24-30; Num 5:11-31; Ezek 18:6).[115] The language of abomination (*tô'ēbâ*) regularly describes sexual offenses as in Lev 18 and 20. Also, the impact of this behavior on the land of Israel fits into the pattern of land defilement for sexual misconduct seen already in Lev 18 and 20 and in several other passages treated in the chapters to follow. Finally, Jer 3:1 interprets this legal paragraph as primarily concerned with regulating sexual behavior, so the analogy to adultery suits the prophet's use of this passage quite well.

Despite the many strengths of comparing the restoration of marriage to adultery, several compelling counterarguments can be leveled against this approach. First, by definition, adultery occurs during marriage, not afterward. The details of Deut 24:1-4 involving the bill of divorce and remarriage to a second husband demonstrate the full legality of the woman's actions. At no point does she commit actual adultery. Adultery assumes an illicit union during marriage, not

[113] See Pressler, *View of Women*, 61; Craigie, *Deuteronomy*, 305; Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 272; Tigay, *Deuteronomy*, 220; Miller, *Deuteronomy*, 164; Lundbom, *Deuteronomy*, 674.

[114] See Pressler, ibid., 48.

[115] See Pressler, ibid., 48; Craigie, *Deuteronomy*, 305; Moshe Zipor, "Divorce and Restoration of Marriage (Deut 24:1-4)," *ZABR* 20 (2014): 139.

afterward.[116] Second, the very analogy to adultery seen by some in this text is rather weak. The scholars mentioned above emphasize that intercourse with the second husband followed by a return to the woman's first husband creates a pattern like that of adultery. But, as a matter of fact, adultery never requires a woman to return to her husband. Were she to simply have intercourse with another man, she would be guilty of adultery, whether or not she ever returned to her husband. Third, if the woman's marriage to a second man constitutes a kind of adultery, then we would expect that marriage to be forbidden. Similarly, if the second marriage defiles the woman, then she should be off limits to any potential future partner, not merely her former husband.[117] As a result, suggesting that the woman's return to her first husband creates a strong parallel to adultery cannot be maintained.

In response to these objections, Eve Feinstein has offered the most compelling rationale for the prohibition of restoration of marriage in Deut 24:1-4. According to Feinstein, restoration of the marriage is not prohibited because of its apparent similarity to the relational pattern of adultery, but rather because of the woman's sexual contact with another man. She observes:

> Just as a woman who commits adultery is contaminated and ruined for her husband, so is a woman who has sex within a legal second marriage ruined for her former husband. As in the case of adultery, biblical law does not grant men the right to overlook this contamination even if they are willing to do so.[118]

The motive clauses in verse 4 serve an important supporting role in Feinstein's approach. The wife has become defiled (*huṭṭammā'â*) and taking her back would be an abomination (*tô'ēbâ*).

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[116] Sophie Démare-Lafont notes that the guilt of adultery cannot be applied retroactively. *Femmes, Droit et Justice*, 42.

[117] See Walton, "The Place of the *Hutqaṭṭel* Within the D-Stem Group," 13.

[118] Feinstein, *Sexual Pollution*, 63.

The only other text in the Hebrew Bible that combines both of these concepts in one place is Lev 18 and 20, which warns Israel against potentially defiling sexual behaviors that could defile the land.[119] Reading Deut 24:1-4 as a prohibition against taking back one's wife after her sexual contact with another man generates a coherent interpretation of the text in which the law and its motive clauses fit together. Additionally, interpreting the text in this way makes sense of Jeremiah's use of the law (Jer 3:1). The prophet draws an analogy between the legal realities of restoration of marriage and metaphorical (religious) adultery. The logic of Jer 3:1 rests on the similar impact that both adultery and intercourse with a second husband have on the woman. In both cases she is sexually defiled by her contact with another man and her husband cannot reclaim her as his own.[120]

Reading the text as a prohibition of reclaiming the woman after her sexual contact with another man precludes drawing a legal distinction between the dissolution of the two marriages in the passage. The *'erwat dābār* on the basis of which the first marriage is dissolved proves to be a very generic expression. The legislator uses the phrase in Deut 23:15 [14] of defecation and nocturnal emissions, both of which are involuntary, indicating that it need not refer to moral failings. The *'erwat dābār* could be anything about the woman her husband finds objectionable or repulsive.[121] As for the second divorce, the term *śn'*, "to hate," is even more general, denoting mere dislike. The hatred described in the text is merely an emotional motivation for the second divorce. Feinstein argues, "The shorter formulation [*śn'*] is probably used in the second instance

[119] See Davidson, "A Fresh Look at Deuteronomy 24:1-4," 12. Note also the use of *ṭm'* to describe the state of a woman who has had sex with another man (in this case while married, thus constituting adultery) in Numbers 5:13, 14, 20.

[120] See Feinstein, *Sexual Pollution*, 63.

[121] See Ibid., 63.

simply for the sake of brevity."[122] As a result, the logic of the legal paragraph does not reside in a supposed distinction between the two divorces. Both husbands send the woman away for very generic reasons. The first finds something objectionable in her (*'erwat dābār*) and the second dislikes her (*śn'*). The distinction between the two divorces (which is minimal at most) does not form the legal grounds for preventing the first husband from remarrying his wife.

The greatest potential weakness with Feinstein's argument appears in the biblical and ancient Near Eastern pattern of permitting husbands to resume a relationship with their wives after sexual contact with another man. Westbrook draws attention to several cases of restored marriages in the Bible and ancient Near East.[123] In Genesis 12:10-20 Pharaoh takes Sarah, Abraham's wife, as his own. After Pharaoh suffers plagues sent against him by God, he restores her to Abraham. Sarah's intervening marriage to Pharaoh did not make her unacceptable to Abraham. Similarly, David's wife Michal is taken from him and marries another (Paltiel son of Laish, cf. 2 Sam 3:15) during his years of flight from Saul. After Saul's death, David strives to become king over Israel and Judah, and in the process, he demands the return of his wife Michal despite her second marriage. David's marriage to Michal is then restored (2 Sam 3:13-16) and she remains his wife during his reign (cf. 2 Sam 6:16-23). In both biblical texts, men reclaim their wives after an interim marriage to a second husband. Similarly, several Mesopotamian legal texts provide for a husband to take back his wife after a long period of absence (cf. LE §29; CH §133-135; MAL A §45). During such prolonged absences, the wives of these men may have remarried and even borne children for their second husbands. Nevertheless, the first husband has

[122] Ibid., 63.

[123] See "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4," 391-392.

legal claim to the woman because his absence was justified.[124] In view of these various sources, Westbrook argues that no ancient texts express revulsion at the idea of taking back one's wife after she had sexual relations with another man.

While some biblical and ancient Near Eastern sources suggest that a husband could take back his wife after her marriage to another man, this evidence does not undermine Feinstein's approach to Deut 24:1-4. The fact that some communities saw fit for a husband to reclaim his wife after a subsequent marriage explains the use of the language of abomination (*tô'ēbâ*) in verse 4. Carley Crouch has observed that *tô'ēbâ* was used in ancient Israel for the marking of boundaries and shaping of group identity.[125] In this particular text, the legislator likely recognized that the practice being prohibited here was not universally accepted. Not everyone in the Near East, or even in Israel, considered it improper to reclaim one's wife after her sexual contact with another man. As a result, the legislator resorts to the language of affections to more strongly emphasize the distinctive behavior he expects of Israel. The language of revulsion (*tô'ēbâ,* as well as the woman's impurity [*ṭm'*]) strengthens this legal argument, which was not universally accepted in the ancient Near East.

3.2.3 Sexual Pollution, Restoration of Marriage, and Defilement of the Land

The purpose of the land defilement language in Deut 24:1-4 depends on the text's legal significance. Having determined that the legislator prohibits sexual contamination caused by restoration of marriage, we are now situated to analyze the legislator's use of land defilement.

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[124] In those cases where the husband's absence is unjustified, he cannot reclaim his wife. See LE §30; CH §136.

[125] See Crouch, "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective," 540-541.

The motive clauses found in Deut 24:4 demonstrate significant parallels to the scheme of land defilement seen already in the priestly material. The language of "abomination" (*tôʿēbâ*) reflects the legislator's use of disgust to motivate observance of legal norms not universally embraced in the ancient world. By telling Israel not to cause the land to sin (*lōʾ taḥăṭîʾ*), the legislator personifies the land as an agent directly impacted by their disobedience. Land defilement functions as a rhetorical tool through which the legislator can shape society.

A divorced woman's sexual relationships had an abiding contagious impact on her that spoiled her for her former husband. We should not construe this as the kind of technical "ritual impurity" found in priestly literature (e.g., regarding corpse contamination, skin disease, or dietary restrictions), but as a type of emotive expression that shapes and is shaped by social norms. There were no rituals or remedies for removing the impurity contracted by a divorcée. Instead, the legislator describes this impurity in a rhetorical move designed to inculcate distaste in his audience for the sexual union between men's wives and other men.[126] The most forthright evidence that the woman's impurity is meant to evoke an emotion in the audience is the statement that her sexual reunion to her husband would be an "abomination before Yahweh" (*tôʿēbâ hîʾ lipnê yhwh*). As noted in the preceding chapter, *tôʿēbâ* functions as a strong affective term denoting disgust. Thus, the legislator states that Yahweh himself abhors when a man takes back his wife after her sexual contact with another. All the more, then, should the people of Israel reflect the deity's emotional response to such misconduct. The legislator uses the language of impurity and abomination to shape his audience's sexual norms and expectations. As Feinstein observes, "Disgust at particular sexual relationships is… not natural but cultural, and it requires

[126] See Feinstein, *Sexual Pollution*, 64-65.

cultural reinforcement to be sustained."[127] The text of Deut 24:1-4 operates as a social tool for the reframing of Israel's values. Where Israelites society may once have tolerated the reunion of a woman to her husband after other sexual contacts, Deuteronomy construes such sexual behavior as repulsive. By working within Israel's broader social norms and practices regarding what is deemed repulsive, the author aims to shape a particular kind of taboo and the social norms dependent on it: a woman's sexual activity with another man "pollutes" her for any former partners.

The affective rhetoric used in Deut 24:1-4 may hint at the novelty of this legislation. Nowhere else in the ancient Near East do we find a law universally prohibiting the reunion of a woman to her husband after intervening sexual contact.[128] In fact, as noted above, some biblical and ancient Near Eastern texts narrate or legislate the restoration of women to their husbands after sexual relationships with other men (cf. Gen 12:10-20; 2 Sam 3:13-23; LE §29; CH §133-135; MAL A §45). The legislator's affective reasoning and strong language inadvertently convey the unique character of this legal paragraph. While many individuals may have embraced the taboo against restoring a woman to her husband, others likely found such actions unobjectionable, or at the very least permissible in certain exceptional circumstances. Where legal precedent and social custom cannot support a practice, strong rhetorical, disgust-laden language plays a powerful role. The legislator's forceful rhetoric proves especially useful for reinforcing a social taboo that is not universally embraced.[129] In fact, the language of

[127] Ibid., 65.

[128] Of course, some laws (specifically, those that require the execution of an adulteress) indirectly prevent such reunions. Yet, we find no comparable law stating that a husband could not reclaim his wife after her sexual relations with another man.

[129] See Feinstein, *Sexual Pollution*, 65.

"abomination" may have been used by the legislator to set Israel's conduct apart from that of the surrounding nations as one small piece of a broader trend in Israel's own identity formation.[130] Deuteronomy 24:1-4 further evinces its provincial character in that no legal penalty follows upon its violation. A husband who takes back his wife may commit an "abomination before Yahweh" and "cause the land to sin," but local judicial officials take no action against him. His abominable behavior generates no negative social consequences, except possibly the reproach of his neighbors (and that only if the legislator has successfully swayed them). The legislator cannot cite a specific penalty to be imposed on transgressors of this law, so he uses strong emotional language, going so far as to suggest violation of the law incurs divine repugnance and collective guilt.[131]

Israel's corporate responsibility appears in Deut 24:4 when the text encourages the people not to "cause the land to sin" by disobeying the law. The people's misconduct with respect to this legislation has an impact on the land itself. This metaphorical language suggests that the land of Israel experiences a kind of moral sympathy with its people.[132] The land is personified as a morally culpable agent, dependent on the people's conduct and deeply stained by their misdeeds. As noted above, the land's sinful activity should be related to similar ideas of its defilement found elsewhere in the Hebrew Bible. The LXX translates *taḥăṭî't* ("cause to sin") as *mianeite*, "defile," and similarly, when Jer 3:1 applies Deut 24:4 to a new historical setting, the author

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[130] This is the argument of Miroslav Varšo in "Abomination in the Legal Code of Deuteronomy: Can an Abomination Motivate?," *ZABR* 13 (2007): 249-260. Varšo's argument fits well with that of Carley Crouch, noted above, on the use of *tô'ēbâ* in the Hebrew Bible to mark Israel's boundaries. Cf. "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective," 540-541.

[131] See Instone-Brewer, "Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate," 234.

[132] See Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 272.

replaces *taḥăṭî'* with the verb *ḥnp*, "to pollute." This personification of the land in Deut 24:4 proves important because through it the legislator globalizes the social impact of transgressions. Ordinarily, whether or not a husband restores his marriage to a former wife would impact only the immediate family and perhaps a small circle of close social contacts. Even were neighbors to consider such a restored marriage as abhorrent, it would have relatively little impact on society. By employing the metaphor of land-defilement, the legislator globalizes the impact that restoration of marriage has on Israel. By remarrying one's wife after her contact with another, a man brings guilt upon the entire land. The territory of Israel itself becomes polluted like its inhabitants as the social fabric is torn apart through the people's misconduct. As a result, the legislator has taken a private sexual offense (and one that may not have even been universally regarded as wrong) and attributed to it the potential to impact the entire nation. The sexual purity of Israelite men thereby achieves an extraordinary level of importance. By utilizing personification and invoking the defilement of the land, Deut 24:1-4 makes a private familial decision into a matter of grave consequence for the nation as a whole.

3.3 Deuteronomy 21:1-9

The last passage I treat in this chapter may be one of the strangest passages in the Pentateuch, but it cannot be left out of any complete treatment of land defilement in Deuteronomy. In Deut 21:1-9, we find a unique ritual that removes the defilement of wrongful, violent bloodshed from the land. The passage reads:

> If a slain person is found lying in the open country in the land that Yahweh, your God, is giving to you to take possession of, and it is not known who struck him, then your elders and judges shall go out and measure the distance to the cities nearest to the slain person. As for the city that is nearest to the slain person, the

elders of that city shall take a cow (*ʿeglâ*),[133] which has not been worked and has not pulled in a yoke. Then the elders of that city shall bring the calf to a perpetually flowing wadi (*naḥal ʾêtān*), which has not been worked and is not sown.[134] There at the wadi they shall break the cow's neck (*wĕʿārĕpû*). Then the priests, the sons of Levi, shall draw near because Yahweh, your God, has chosen them to minister to him, to bless in the name of Yahweh, and by their decision every dispute or assault shall be settled. Then all the elders of that city, who are nearest to the slain person, shall wash their hands over the cow[135] whose neck was broken at the stream. Then they shall answer and say, "Our hands did not shed[136]

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[133] The vast majority of English translations render *ʿeglâ* as, "heifer" (cf. NRSV, NIV, JPS), but this translation is overly restrictive. There is no reason to suppose that the *ʿeglâ* must be young, especially since Gen 15:9 speaks of an *ʿeglâ* that is "three years old" and Isa 7:21-22 uses the term of a mature milk cow. Ziony Zevit additionally argues that the cow's condition of being "unworked" equates to the priestly requirement that a sacrificial animal be *tāmîm*, "unblemished." See Ziony Zevit, "The *ʿEglâ* Ritual of Deuteronomy 21:1-9." *JBL* 95/3 (1976): 384-385.

[134] Archaeologists have discovered evidence of a practice of "runoff agriculture" utilizing the seasonal waters of wadis as early as the Middle Bronze Age I in the Negev. Evidence for the practice increases in the Iron Age Israelite settlements of the region and continues into later periods among the Nabateans. Farms dependent on these seasonal streams consist of highly elaborate networks of runoff channels and terraced agricultural platforms. Similar ancient remains have also been found in Jordan, South Arabia, and North Africa (especially Southern Algeria and Tunisia). See Michael Evenari, "Twenty-Five Years of Research on Runoff Desert Agriculture in the Middle East," in *Settling the Desert*, edd. L. Berkofsky, D. Faiman, and J. Gale (New York: Routledge, 2020), 5-21.

[135] LXX inserts "head" apparently reading *ʿal rōʾš hāʿeglâ* instead of the shorter text in MT. John Wevers suggests that LXX was influenced the priestly activity of placing hands on an animal's head as a symbolic transfer of guilt (cf. Ex 29:10, 15, 19). See John Wevers, *Notes on the Greek Text of Deuteronomy* (Atlanta: Scholars, 1995), 337. While transferring guilt to an already strangled animal would make little sense, Carmel McCarthy observes that the LXX interprets the ritual action differently. In the Greek version of this ritual, the animal is not killed, but merely hamstrung (*tēs neneyrokopēmenēs*), so it could still be alive at the moment of laying on hands. Note also that the addition of "head" in LXX also appears in the Temple Scroll: *ʿl rʾwš hʿglh* (11 QT^{a} 63:5), which might indicate that the *Vorlage* of LXX already contained this reading under the influence of Ex 29:10, 15, 19. This distinct *Vorlage* then motivated the choice of *neneyrokopēmenē*, "hamstrung," for *ʿrwph*, "whose neck was broken." See the Text-critical note to Deut 21:6 in *BHQ*.

[136] This verse presents the reader with a distinction between the Ketiv *šāpĕkâ* and the Qere *šāpĕkû*. The Versions prevailingly favor the Qere, with only Syr. following the Ketiv and a few MSS, 4QDeutf, SP, LXX, Vulg., Tg., and 11QTa 63:6 following Qere. If Ketiv is a graphic error for the *waw* in Qere, then the latter reading should be preferred. Scholars have, however, made alternative suggestions, especially since *waw/he* confusion is not altogether common. Some have proposed that Ketiv reflects a third person feminine plural form in Hebrew, which ended with *he* as does the related form in Biblical Aramaic. (See, e.g., Ze'ev Ben-Hayyim, *Grammar of the Pentateuch*, vol. 5 of *The Literary and Oral Tradition of Hebrew and Aramaic Amongst the Samaritans* [Jerusalem: Academy of the Hebrew Language, 1977], 104.) Similarly problematic verbs ending in *he* that appear to have feminine plural subjects can be found in Gen 49:22 (*bĕnôt ṣāʿădâ*), 1 Sam 4:15 (*wĕʿênāyw qāmâ*), and Jer 2:15 (*ʿārāyw niṣṣĕtâ*). Nevertheless, the SP ignores the *he* ending both in Gen 49:22 and in this text, reading the expected plural forms ending with *waw*. Note also that GKC §44m strongly resists the suggestion that Hebrew had an originally distinct third person feminine plural form in the suffix conjugation ending in *he*. S. R. Driver has offered a more compelling interpretation of this challenging Ketiv. According to Driver, the Ketiv is a third person feminine singular form where the plural (or dual) of *yād* (the subject in our verse) is understood collectively. The Qere reflects the more ordinary form (the typically plural suffix conjugation verb) and can be regarded as the *lectio facilior*. See Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 243.

> this blood and our eyes did not see it. Atone for your people, Israel, whom you redeemed, O Yahweh, and do not set innocent blood (*dām nāqî*) in the midst of your people, Israel. Let the blood be atoned for them."[137] So you shall purge the innocent blood from your midst if you do what is upright in the eyes of Yahweh.

In brief, Deut 21:1-9 prescribes a ritual response to the problem of an unsolved murder. The corpse of a slain person (*ḥālāl*) is found lying on an unsettled portion of Israel's land.[138] In response, judicial officials (judges and elders) determine which city is nearest to the victim's body so that the elders of that city can respond to the crisis. Those elders must take a cow to a wadi with running water, where they break the cow's neck, wash their hands over the animal, and offer up a petitionary prayer to Yahweh, asking him to remove bloodguilt from Israel. The priests oversee the ritual, but do not participate in any explicit way.[139] By these various steps, the legislator prescribes a ritual remedy for the danger of violently shed blood in Israel.

Of course, Deut 21:1-9 nowhere explicitly states that this ritual removes bloodguilt from Israel's territory. Yet, we will see below how several implicit features of the text demonstrate the legislator's intent that Israel should use this ritual to cleanse its land. These factors include the

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[137] Note that the *kap* of *nikkappēr* is doubled. This verb is an example of the Nithpael stem, which is extremely rare in biblical Hebrew, occurring only elsewhere at Ezek 23:48 (*wĕniwwassĕrû*). The Nithpael stem is, however, quite common in Mishnaic Hebrew (cf. GKC §55k).

[138] The body found in the country has clearly suffered a violent death, not a death by natural causes. The term *ḥālāl*, which literally means "pierced," most often refers to a corpse that has been attacked, typically by stabbing. See Tigay, *Deuteronomy*, 191; *HALOT* s.v., חָלָל. Note also that the editor's assumption of a violent death is exposed in the phrase "it is not known who struck him" (*lō' nôda' mî hikkāhû*). The verb *nkh* denotes violent and aggressive action, frequently resulting in murder (e.g., Gen 4:15; Ex 2:12; Lev 24:17-18; Num 3:13; 35:11; Deut 19:4, 6, 11; 20:13).

[139] The lack of priestly participation in this ritual is surprising given the content of v. 5b. In fact, the priests are not introduced until after the animal has been slaughtered in v. 4. (Note that this does not mean they are uninvolved in unstated activities prior to their appearance in v. 5.) Deuteronomy 21:5 states that priests have been tasked with settling disputes and cases of assault. Yet, the author of Deut 21:1-9 apparently grants the priests no active participation in the proceedings. As David Wright notes, "It seems that the editor wanted to indicate by the position [of priests appearing only after the slaughter of the animal] that, though the rite has cultic authorization by virtue of the presence of the priests, it is not to be considered a sacrifice because the priests have nothing to do with the preparation and performance of the rite." David Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," CBQ 49/3 (1987): 391. For other reasons that the slaughter is not to be considered a sacrifice, see below.

bloodshed involved in the legal offense, the location of the discovered corpse, the re-location of ritual activity to a perpetually flowing wadi, and the symbolic act of breaking the cow's neck. Many features of this text correlate with aspects of land defilement seen already in the Pentateuch: a concern with violent bloodshed, a ritual response to a legal dilemma, and corporate responsibility for an individual offense. Yet, new concerns with how bloodshed could impact the land's agricultural productivity emerge in this passage, and those same ideas will be reflected in the subsequent chapter on Jeremiah, where they are developed further. But, before this law's concerns with land defilement can be treated, we need to examine the origins and history of this very unusual ritual.

3.3.1 The Antiquity of Deuteronomy 21:1-9

Contemporary scholars have devoted a great deal of attention to prying apart various redactional layers in Deut 21:1-9. Numerous features of this ritual diverge in marked ways from what we find in other biblical ritual texts. Almost invariably, scholars conclude that the practice of killing a cow at a flowing stream is pre-Deuteronomic and perhaps even pre-Israelite.[140] This ritual response to unsolved murder shows numerous features characteristic of localized, community cultic engagement. Such de-centralized religious activity stands at quite a distance from the Jerusalem- and temple-centered Deuteronomic ideology. Yet in this text, the editor of Deuteronomy has incorporated a provincial ritual response to unsolved killing into the

[140] See e.g., Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 241; Henry McKeating, "The Development of the Law of Homicide in Ancient Israel," *VT* 25/1 (1975): 63; Gerhard Von Rad, *Deuteronomy: A Commentary*, trans. by Dorothea Barton, OTL (Philadelphia: Westminster, 1966), 135. Ziony Zevit argues that the law consists of both pre-Israelite and pre-Deuteronomic layers. See "The *'Eglâ* Ritual of Deuteronomy 21:1-9," *JBL* 95/3 (1976): 377-390. See also Walter Brueggeman's claim that, "The action of the elders is likely a very old, traditional practice, surely older than Yahwism (and without any reference to Yahwism, a 'nonrational' strategy for expunging bloodguilt from the community." Walter Brueggemann, *Deuteronomy* (Nashville: Abingdon, 2001), 215.

Deuteronomic law. Several additions and modifications to the ritual bring it into conformity with the editor's ideology.

The ritual of breaking the cow's neck at a stream bears almost no resemblance to other Deuteronomic or priestly ritual activity. The city elders and not the priests take center stage as ritual actants. When killing the animal, whether or not blood is shed (a point discussed below), no blood manipulation takes place. Nothing about the site of the animal's death appears demonstrably holy or associated with Yahweh. This unique ceremony clearly stands outside the developed and organized system of ritual activity found elsewhere in the Hebrew Bible.

Scholars conclude from the unique character of this rite that the editor has co-opted a pre-existing ritual for incorporation into Deuteronomy. Whether or not this ritual pre-existed Israel, we can certainly observe that it bears non-Deuteronomic features (as noted in the preceding paragraphs) and evidence of redactional activity.[141] Jeffrey Tigay observes that the composer of Deuteronomy seems unaware of (or perhaps unwilling to disclose) the significance of the ritual in 21:1-9:

> Since Deuteronomy explains a good half of its laws, the fact that it leaves such puzzling elements [of the ritual killing of the cow] unexplained looks intentional. It probably implies that Deuteronomy does not believe that these rites themselves expiate bloodguilt. To Deuteronomy, the prayer of verse 8, which asks God to remove the bloodguilt, is the key to absolution. The other elements appear to be remnants of traditional practices that Deuteronomy has preserved, in modified

[141] Perhaps the best evidence for the pre-Israelite antiquity of this ritual can be found in the story of Aqhat from Ugarit. In this tale, Daniel's son, Aqhat, is murdered and his corpse discovered by his father. Following this discovery, Daniel curses three locales (most likely towns) near to where Aqhat's corpse was discovered (*KTU* 1.19.45-20.9). For the identification of the three locations, *qr mym*, *mrrt tġll bnr*, and Abilum (*åblm*), see David Wright, *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat* (Winona Lake: Eisenbrauns, 2001), 186-187. Just as Daniel curses three sites near to the place where Aqhat was murdered, so the judges and elders of Israel measure the distance from the site of the murder to the nearest towns (Deut 21:2-3). In both texts, separated by many centuries, the towns nearest to the site of a murder are held responsible (in different manners) for the unfortunate occurrence.

> form, perhaps only because popular feeling considered them indispensable for purging bloodguilt.[142]

The chronological horizon of the ritual's origins may be impossible to recover since distinguishing between a pre-Israelite and pre-Deuteronomic ritual seems a tenuous endeavor. We are on firmer ground, however, when we observe that the ritual finds its origins in local cult practice in the towns of Israel. Several aspects of Deut 21:1-9 suggest that it originated in local customs, not as a feature of Israel's centralized cult: 1) the murder occurs in the countryside (*śādeh*), outside the immediate orbit of urban life;[143] 2) the ritual remedy takes place in an unsettled area (*naḥal*); and 3) those who perform the ritual are elders of the local town, not officials from the central sanctuary. Ordinarily, the Deuteronomic authors would be averse to any religious activity originating in the countryside and bearing no apparent connection to the central sanctuary. Yet, in this particular case, an act of unwarranted killing, even when committed far from the heart of Israel, implicitly poses a corporate problem: the defilement, not

[142] Tigay, *Deuteronomy*, 473. Tigay and others agree that the prayer in verse 8(a) (along with verses 5 and 9) is composed in characteristically Deuteronomic language. Tigay, *Deuteronomy*, 191; Raphael Patai, "The 'Egla 'Arufa or the Expiation of the Polluted Land," *JQR* 30/1 (1939): 69; Weinfeld, *Deuteronomy and the Deuteronomic School*, 32; Zevit, "The *'Eglâ* Ritual of Deuteronomy 21:1-9." 386-387; Paul Dion, "Deutéronome 21,1-9: Miroir du développement légal et religieux d'Israël," *SR* 11/1 (1982): 16; Jan Dietrich, *Kollektive Schuld und Haftung: Religions- und rechtsgeschichtliche Studien zum Sündenkuhritus des Deuteronomomiums und zu verwandten Texten*, Orientalische Religionen in der Antike 4 (Tübingen: Mohr Siebeck, 2009), 84-86.

[143] The term *śādeh* designates unsettled territory outside the immediate environs of cities. It may denote either cultivated fields or the uncultivated steppe. Note the common antithesis between *śādeh* "field/steppe" and *'îr* "city" in Gen 34:28; 41:48; Lev 14:53; 25:34; Deut 28:3, 16; 1 Kgs 14:11; 16:4; 21:24; Jer 14:18; Ezek 7:15. When referring to fields, the *śādeh* was the site of agricultural cultivation; when referring to the steppe, the *śādeh* was primarily used for sheep and goat pastoralism. The term is used most generally of pastures, open land, and to refer to territories. See Armin Schwarzenbach, *Die geographische Terminologie im Hebräischen des Alten Tetaments*, (Leiden: Brill, 1954), 82ff. Compare the similar use of the cognate *šd* in Ugaritic. See Theodore Lewis, "Ugaritic Athtartu Šadi, Food Production, and Textiles: More Data for Reassessing the Biblical Portrayal of Aštart in Context," in *Mighty Baal: Essays in Honor of Mark S. Smith*, edd. Stephen C. Russell and Esther J. Hamori (Leiden: Brill, 2020), 147-148; *DULAT*, s.v. *šd* I.

of a local town or field, but of the land of Israel.[144] Failure on the part of the local elders and judges to expunge bloodguilt would result in a crisis for the nation as a whole.[145] Thus, the legislator (perhaps with some hesitation) adopts this ritual deriving from local practice to resolve a potential threat to the entire land.

The editor of Deuteronomy selectively updates the borrowed ritual in order to incorporate it more effectively into the broader ideology of the book as a whole. First, the editor grants supervision over the ritual to the Levitical priests (Deut 21:5), religious authorities connected to the central sanctuary (cf. Deut 17:8-13; 19:16-21). The introduction of the priests in verse five is abrupt and fleeting. They apparently oversee the ritual response to unsolved murder without executing any part of these activities themselves. The priests play no explicit role in the proceedings (Deut 21:5). Instead, the city elders perform all the ritual actions.[146] The legislator has inserted the priests here to fold this local religious ceremony into the national cult. The religious officials of the central sanctuary give this local practice their stamp of approval.[147] According to Tigay:

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[144] Admittedly, this passage nowhere mentions defilement or the land. See the next section ("Defilement of the Land and Its Remedy in Deuteronomy 21:1-9") for discussion.

[145] The potential for national catastrophe may explain the inclusion of priests from the central sanctuary in Deut 21:5. These officials of the centralized cult and judiciary could ensure proper procedure was followed in order to guard the nation from the adverse consequences of unresolved bloodguilt.

[146] See Thomas Kazen, *Emotions in Biblical Law*, HBM 36 (Sheffield: Sheffield Phoenix Press, 2011), 135; Von Rad, *Deuteronomy*, 135. For a thorough discussion of the literary history of v. 5 see Dietrich, *Kollektive Schuld und Haftung*, 82-83. Admittedly, Deut 21:5b grants the Levitical priests authority to resolve every dispute and case of assault, which they may exercise in some capacity in this scenario. Unfortunately, the text gives us no indication regarding how they exercised this judicial authority in these unusual circumstances.

[147] See Driver, *A Critical and Exegetical Commentary on the Book of Deuteronomy*, 243; A few scholars resist identifying v. 5 as a Deuteronomic interpolation into the earlier ritual. Nadav Na'aman notes that the connection of v. 5 to the original, pre-Deuteronomic law, is "in dispute" ("Sojourners and Levites in the Kingdom of Judah in the Seventh Century BCE," *ZAR* 14 [2008]:265). Lundbom more explicitly resists the claim that the priests have been secondarily introduced into the text. In his view the Levitical priests, as "altar clergy," should not be expected to

> This may be Deuteronomy's way of depriving the slaughter of the sanctity that their participation would lend to it, and it may indicate that their role is to ensure that the ceremony does not end with the slaughter, which the unlearned might regard as magically efficacious and sufficient, but that it continues with the declaration and prayer of verses 6-8, thereby making it clear that absolution can come only from God.[148]

The legislator appears to have incorporated the Levitical priests into this ritual to tie it into the national cult system and ensure proper observance of the ritual response to unsolved murder. Second, it seems likely that the editor of Deuteronomy updates this ritual by adding the prayer of verse 8a. This prayer is composed in characteristically Deuteronomic language (cf. note 142) and modifies the nature of the ritual. Instead of the ritual itself averting the polluting force of bloodguilt, the editor shifts the focus to Yahweh's activity. God must personally intervene to protect his people and their land from the danger of unresolved bloodshed. [149] By incorporating the priests and a Deuteronomic prayer (v. 8a), the legislator takes this local ritual practice and incorporates it effectively into the Deuteronomic system for the removal of unrequited bloodguilt.

3.3.2 Defilement of the Land and Its Remedy in Deuteronomy 21:1-9

Nowhere does Deut 21:1-9 explicitly state a concern with the pollution of Israel's land. Nevertheless, most scholars agree that this strange ritual purges the land from bloodguilt's

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participate in any rituals outside the central sanctuary. Their lack of participation in the ritual of Deut 21:1-9 merely reflects the restriction of their ritual duties to the national cult. Lundbom, *Deuteronomy*, 594.

[148] Tigay, *Deuteronomy*, 475.

[149] See Feder, *Blood Expiation in Hittite and Biblical Ritual: Origins, Context, and Meaning* WAWSup 2 (Atlanta: Society of Biblical Literature, 2011), 182.

defiling force.[150] The text addresses the problem of an unsolved killing. While those who find the corpse cannot be sure that the slain individual was murdered, their ignorance appears to lead them to treat the situation as the "worst-case scenario": an individual was murdered, and the judicial authorities have no way to apprehend the criminal.[151] Murder (and manslaughter), as we saw in the previous chapter, is considered a crime that characteristically defiles the land. In fact, the legislator implicitly introduces a new feature of land-defilement not found in any text treated thus far. As I attempt to demonstrate below, the violent bloodshed on productive land threatens its economic utility (as agricultural or pastoral land). As a result of this economic threat, the bloodguilt needs to be relocated and placed in a non-threatening (not worked or sown; cf. v. 4) area through ritual. Thus, the town elders perform a unique ritual slaughter of a cow at a flowing wadi, where the defiling blood is apparently carried away symbolically by the waters.[152] Though scholars dispute the precise meaning of the ritual in Deut 21:1-9, they agree for these reasons that the proceedings cleanse the land from bloodshed's defiling force.

Though he is not explicit about it, the editor of Deut 21:1-9 shares the conception that blood spilled in murder defiles the land. The underpinnings of this form of land defilement have already been addressed in the discussion of Num 35 found in the preceding chapter and will be seen further in Chapter 5. The defiling potential of illicit bloodshed was widely accepted in the

[150] See e.g., Craigie, *Deuteronomy*, 278; McConville, *Deuteronomy*, 329; McKeating, "The Development of the Law of Homicide in Ancient Israel," 63.

[151] Note that the findings of the previous chapter on Num 35 also indicate that an act of manslaughter would have similar implications for the state of Israel's land. See also n. 138 above, where I note that the terms *ḥll* and *nkh* strongly indicate a violent death in this text.

[152] The ritual function of the perpetually flowing wadi is another implicit feature of this text I discuss later. Unfortunately, the author of Deut 21:1-9 gives no explanation of the function of various critical components in this ritual and has thus left the modern interpreter to explain their inclusion.

ancient Near East and Israel more specifically.[153] The earth would swallow up the victim's blood, which continued to cry out for justice and restitution (cf. Gen 4:10). Blood guilt could ravage the land, bringing dire consequences in its wake (cf. 2 Sam 21:1-11). Since bloodguilt pollutes the land, even an unsolvable case of killing cannot be ignored. Whether the culprit is identified or not, illicit bloodshed brings corporate guilt and, consequently, corporate responsibility to resolve the threat of pollution in the land (cf. Jer 26:15).[154] Evidence of polluting bloodshed has been discovered in the corpse lying in a field (cf. Ezek 29:5, where a corpse lying in a field is evidence of God's judgment). While other societies might take no judicial action to respond to unsolved killing, Israel must respond to protect itself from the threat of collective bloodguilt embodied in the defilement of the land.[155] Naturally, those who find the corpse cannot know for certain that a murder took place, but the legislator assumes the worst case scenario so that no possibility of unresolved bloodshed remains.[156] The judicial and ritual

[153] Some cases of violence, such as warfare or execution, appear to provoke less concern about defilement because they were sanctioned acts of killing. Murder, on the other hand, defiles the land as an unsanctioned form of killing.

[154] Jan Dietrich offers extensive comments on the corporate responsibility entailed regarding bloodguilt in Israel and the ancient Near East. *Kollektive Schuld und Haftung*, 196-199. See also Kazen, *Emotions in Biblical Law*, 135-136; McConville, *Deuteronomy*, 327; Jacob Milgrom, "'Eglah 'Arufah," *EJ* 6:220-221; Miller, *Deuteronomy*, 161; Tigay, *Deuteornomy*, 191; Otto, *Gottes Recht als Menschenrecht*, 18.

[155] For a discussion of the use of *mṣ'* in Deuteronomy and its association with the discovery of evidence, see Stephen Dempster, "The Deuteronomic Formula *kî yimmāṣē'* in the Light of Biblical and Ancient Near Eastern Law: An Evaluation of David Daube's Theory," *RB* 91/2 (1984): 188-211. Daniel Belnap assumes that since the corpse is found outside the city limits it may have lain on the ground for days or even weeks before discovery. The duration of exposure could have made this case of bloodshed even more concerning to the Deuteronomic legislator. Daniel Belnap, "Defining the Ambiguous, the Unknown, and the Dangerous: The Significance of the Ritual Process in Deuteronomy 21:1-9," *ZABR* 23 (2017): 215.

[156] See McConville, *Deuteronomy*, 327. Note that the Hebrew term *ḥll* does not inherently denote murder. The term is a generic description of someone who has been "pierced." This term for being slain by the sword was then used more generally for death in a variety of circumstances (as well as profanation/pollution, especially in priestly literature and Ezekiel). This death may be the result of an act of war (cf. Num 31:8; Josh 11:6; Judg 9:40; 2 Sam 1:25), death by famine (cf. Lam 4:9), or illicit violence (cf. Gen 34:27). Since the term typically denoted a violent death, when an individual was found *ḥll* in the field, those who discovered the body could assume some kind of assault (*nkh*) had taken place (whether intentional or not).

activity in Deut 21:1-9, unique as it may be, aims to remove the threat of bloodguilt from the land of Israel.

Deuteronomy 21:1-9 makes the danger of land defilement more concrete than any other text treated thus far: land defilement threatens the vitality and productivity of Israel's land. As will be seen in later chapters, the authors of the Hebrew Bible repeatedly connect the danger of polluted land with the threat of economic disaster. Unrequited bloodguilt could lead to crop failures and famine (2 Sam 21:1-11; Ezek 36:17-18, 30), as could other, more general cases of polluting Israel's territory (Isa 24:4-6).[157] Land-defiling idolatry could likewise provoke God to withhold rain from his people (Jer 3:2-3). In Deut 21:1-9, a murder takes place outside the urban realm, in "the field" (*śādeh*).[158] As a result, the blood shed there may compromise the potential productivity of that area. The people of the nearby town, who may depend on that land for its fields or pasturelands, have every reason to expect that unrequited bloodguilt will damage their economic interests. As David Wright observes:

> In view of these examples [Gen 4:10-12; 2 Sam 21:1-14], the reason for the requirement of performing the *'eglâ 'ărûpâ* rite in an uncultivated place becomes apparent. The murder was committed in an area of human concern, perhaps even in a cultivated field (cf. v. 1). The resulting bloodguilt threatened the productivity of this area.[159]

[157] See Patai, "The 'Egla 'Arufa," 61. Ziony Zevit contends that late texts such as Ezek 36 and Jer 3 should not be used to reconstruct the meaning of the (pre-Deuteronomic) ritual in Deut 21:1-9. If such late prophetic texts were the only comparisons for land defilement directly impacting agricultural productivity, then Zevit's argument would carry great weight. But, similar conceptions of violent bloodshed causing agricultural failures can be found in older second millennium Ugaritic and Hittite texts. While these texts are also far removed from Deut 21:1-9 chronologically, they fit into a Levantine framework enduring over a millennium in which religious and political thought concluded that murder could cause a land to become unfruitful.

[158] See note 143 for discussion of the term *śādeh*.

[159] David Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 395.

As a result, the ritual activity in Deut 21:1-9 shifts the locus of bloodshed to an uncultivated streambed, thereby relocating the contagion to a site where economic interests are not at stake.[160] As the town elders kill a cow over the flowing wadi, the waters carry the taint of bloodshed far away so it no longer threatens Israel's productive territory.[161] Land defilement poses a threat to Israel's economic endeavors, so the dangerous pollutant has to be removed from productive land and resituated in an uncultivated site.

The ritual conducted by the city elders at the *naḥal ʾêtān* (Deut 21:4) removes the threat of pollution and economic distress from Israel's land. The ritual's efficacy appears to depend on access to these flowing waters. Unfortunately, the meaning of *naḥal ʾêtān*, and consequently the precise location of the rite, has presented an interpretive challenge to readers of Deut 21 extending back to even the earliest translations. While a *naḥal* is clearly a river, stream, or wadi, the adjective *ʾêtān* does not have an immediately obvious meaning when applied to a body of water. Most of the ancient Versions understood the adjective to mean "hard." Thus, we find the LXX reading *pharanga tracheian*, "rugged ravine." Similarly, Vulg. reads *vallem asperam atque saxosam,* "rough and rocky valley."[162] Despite the antiquity of such renderings, the translation of *ʾêtān* as "hard" cannot rally any philological support. Instead, it appears that this early rendition of the adjective relies upon the parallel phrase describing the *naḥal* as uncultivated (*ʾăšer lōʾ yēʿābēd*). Hard and rocky ground would not be farmed or worked. Others, both ancient and modern, have taken the adjective *ʾêtān* to mean, "strong." Aquila, in his Greek translation,

[160] See ibid., 395; Lundbom, *Deuteronomy*, 593; Patai, "The 'Egla 'Arufa," 66.

[161] See Feder, *Blood Expiation*, 181; Milgrom, "'Eglah 'Arufah," 221

[162] See also the rendering in Tg. (*byr*, "uncultivated") and Rashi's commentary on the text, where he describes the *nḥl* as *qšh*, "hard." These interpretations of the area as a rough, hard, of rocky valley may actually fit the conclusion that a wadi is in view, since these topographical features are seasonally dry and barren.

renders *naḥal ʾêtān* as *cheimarros stereos*, "unrelenting torrent of water." Similarly, Maimonides interprets the phrase as, "a river that flows with might." More recently, Jan Dietrich has offered the most extensive case in favor of reading *ʾêtān* as a description of the *naḥal*'s strength or force. He observes that Israel does not possess many true rivers aside from the Jordan and a few other smaller rivers. Every other flowing body of water is a seasonal stream, a wadi, flowing strong in the winter rainy season (whether by runoff or increased supply from underground springs) and drying up over the summer. As a result, the body of water in view in Deut 21:4 is most likely a wadi that cannot be sustainably farmed due to the irregular water supply.[163] Dietrich contends that the *naḥal ʾêtān* is a torrential stream, a wadi experiencing a surge of waters following the heavy winter rains. By way of comparison, he looks to the use of the same phrase in both Amos 5:24 and Sirach 40:13. Amos 5:24 reads, "Let justice roll down like waters (*kammayim*), and righteousness like a *mighty* stream (*kĕnaḥal ʾêtān*)."[164] In the Hebrew text of Sirach, the phrase *nḥl ʾytn* stands in parallel to *m'pyq ʾdyr bḥzyz*, "like a *mighty* streambed in a squall."[165] For Dietrich, both texts use *ʾêtān* to describe the power of the waters. He acknowledges that such torrential streams cannot be found in Israel at all times of year. Thus, as he reads Deut 21, he contends that the city elders would perform the rite in a dry wadi when strong waters were not present and leave the slain cow to be carried away by the stream in the rainy season. The wadi must be uncultivated because the cow's corpse could be left there for months and would

[163] Dietrich, *Kollektive Schuld und Haftung*, 257. Numerous scholars, even those who disagree with Dietrich, agree that perennially flowing streams are quite uncommon in Israel. See David Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 397; Tigay, *Deuteronomy*, 192.

[164] Note, however, that the great majority of English translations render *kĕnaḥal ʾêtān* as "ever-flowing stream" or the like (cf. NRSV, NIV, NJPS).

[165] There appears to be a text-critical issue with the initial *mem*, which should be read as *kap*. See Dietrich, *Kollektive Schuld und Haftung*, 2589, n. 453.

otherwise pose a threat of pollution and agricultural failure.[166] While Dietrich's interpretation has many virtues, chief of which is his account of Israel's waterways, he fails to explain why *'êtān* must denote torrential waters. Dietrich cites two texts that may favor his perspective, but many other passages in the Hebrew Bible use the same adjective, and these texts taken together better support a third approach. Most recent scholars interpret *'êtān* as meaning, "perpetual" or "unfailing." Thus, the *naḥal 'êtān* is a perpetually-flowing wadi. This interpretation emerged in more recent scholarship through comparison with the Arabic verb *watana*, "to be constant, unfailing (used especially of water)."[167] Similarly, other uses of *'êtān* in the Hebrew Bible support the translation "perpetual, firm" or as a substantive "perpetuity, firmness" (cf. Gen 49:24; Num 24:21; Jer 5:15; 49:19 = 50:44; Mic 6:2; Job 33:19). In three texts outside Deut 21:4, *'êtān* describes a body of water (Ex 14:27; Amos 5:24; Ps 74:15).[168] Most telling of these latter passages is Ps 74:15, which describes God's drying up *nahărôt 'êtān*, "ever-flowing streams," an action made remarkable because these streams flow continually. The need for a perpetually flowing stream makes sense in view of the ritual activity in Deut 21. The elders are required to wash their hands (Deut 21:6), which requires that water be present.[169] Additionally, the elders must seek out a flowing stream so that the waters can symbolically carry away the bloodguilt

[166] Ibid., 260.

[167] See, for example, Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 242.

[168] Note the possible use of *'tn* with reference to flowing waters in line 4 of the Kuntillet 'Ajrud Plaster Inscription 4.2. As Theodore Lewis observes, "associating the well-watered Qadesh Barnea on the Darb el-Ghazza trade route with the word *'êtān* (designating a constant water source) that follows is irresistible." Theodore Lewis, "A Holy Warrior at Kuntillet 'Ajrud? Kuntillet 'Ajrud Plaster Inscription 4.2," forthcoming chapter in P. Kyle McCarter Festschrift.

[169] The hand-washing rite appears to have been overlooked by Dietrich when he argues that the elders may perform the ritual of Deut 21 while the streambed was dry.

conveyed to the streambed by killing the cow (as discussed in the following pages).[170] Such bodies of water (whether spring-fed or originating with runoff) are admittedly scarce in Israel, one of the chief problems with the majority view, but flowing waters are needful for the successful performance of the ritual. As a result, the *naḥal ʾêtān* should be understood as a perpetually flowing stream.

Even if we accept the fact that the *naḥal ʾêtān* is a perpetually flowing stream, several features of the ritual in Deut 21 remain unusual and difficult to interpret. These unique features of the text have given rise to a diverse array of interpretations, which will be discussed in turn: 1) Most scholars agree that the slaughter of the cow should not be construed as a sacrifice in the common sense. 2) Others contend that the slaughter of the cow functions as a visual representation of the penalty the city elders will suffer in the case that their vow is untrue. 3) Some compare the rite to other texts such as Lev 16 and claim that the slaughter of the cow is intended to prevent the animal, laden with bloodguilt, from returning to the community. 4) Another approach is to claim that the death of the murderer who left a body in the open field is required by biblical law and thus the slaughter of the cow functions as a vicarious execution of the (supposed) murderer. 5) Jan Dietrich offers the unique claim that the cow represents the city nearest to the apparent murder and dies in its place, bearing the collective guilt that falls upon the community. 6) Finally, several scholars agree that the slaughter of the cow functions as a ritual reenactment of the murder, relocating the killing and its pollution to an uncultivated location where the stain could be safely washed away.

[170] See Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 398.

1) Those who study Deut 21 generally agree that the ceremonial killing of the cow is not a sacrifice.[171] The killing does not occur at an altar or sanctuary and when the elders kill the cow, they make no evident gesture of offering the animal to Yahweh in sacrifice.[172] They simply break its neck and then proceed to wash their hands over the dead animal (Deut 21:4, 6). In fact, the cow is killed in an unconventional manner. Instead of the common slaughter of sacrificial animals (described by the verbs *šḥṭ* or *zbḥ*; cf. Ex 3:18; 5:3; 12:6, 21; 24:5; Lev 1:5, 11; 9:4; Num 22:40; Deut 12:15), the cow's neck is broken (*ʿrp*), an action nowhere undertaken in sacrifices elsewhere in the Hebrew Bible.[173] In the process, none of the cow's blood is manipulated.[174] Additionally, the legislator removes this ritual from the sacrificial domain by excluding the priests from participation (Deut 21:5); only the elders handle the animal. Finally, the specification that the cow must not have been subjected to a yoke applies only to rituals never incorporated into the sacrificial system (cf. Num 19:2; 1 Sam 6:7).[175] For these reasons, the slaughter of the cow in Deut 21:1-9 should not be construed as a sacrifice.

2) Some scholars contend that when the elders kill the cow, they perform a sign-act depicting the penalty for a false confession of innocence. If the elders have killed the person

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[171] One exception to this trend can be found in Gerhard Von Rad's commentary, where he presents an apparently conflicted perspective. He observes, "The ritual to be performed cannot, in fact, itself be compared in any way with the well-known methods of sacrifice customary in Israel. On the contrary, it differs from them in all details so definitely that we must ask whether we are here concerned with a sacrifice at all." Yet, at the end of his comments on Deut 21:1-9, Von Rad states, "As related to Yahweh, the whole ritual has, after all, to be understood as the offering of a sacrifice." See Von Rad, *Deuteronomy*, 136-137.

[172] See Von Rad, *Deuteronomy*, 136. The editors of Deuteronomy would be especially resistant to any sacrifice occurring outside the central sanctuary.

[173] See Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 391.

[174] The unusual act of breaking the cow's neck may prevent blood from being shed and thereby used as a ritual element.

[175] See Milgrom, "'Eglah 'Arufah," 220.

found lying in the open country or have concealed the identity of the killer, they are guilty and will suffer death just like the animal they kill. According to these scholars, the elders are taking upon themselves a self-imprecatory oath visualized in breaking the cow's neck.[176] Such symbolic judgments appear repeatedly in the ancient Near East, particularly in the curse traditions associated with establishing treaties. We find similar symbolic curses in the Hebrew Bible (cf. Jer 34:18-20; Gen 15:9-21) and outside of Israel (e.g., Sefire I A 35-42). Yet, even though we have a well-attested tradition of symbolic imprecations in the ancient Near East, I am unaware of any example of a symbolic self-imprecation like scholars claim to see in Deut 21:1-9. In the examples of acted out curses that we do possess, the superior party demands that the inferior party undergo the symbolic curse as a vow of future loyalty and obedience. Nowhere do individuals use symbolic curses to imprecate themselves. Further complicating the idea that the elders are performing a ritual self-imprecation is the glaring absence of any curse in the oath they take. The elders merely swear to their innocence and petition God to purge bloodguilt from Israel (Deut 21:7-8). Self-imprecations (without accompanying sign-acts) are not uncommon in the Hebrew Bible (e.g., 1 Sam 20:13; 2 Sam 3:9; 1 Kgs 2:23-24; Ruth 1:17). As a result, we would expect the elders to take upon themselves a similar curse if this were the meaning of their actions. Their failure to call down God's curse for falsehood upon themselves proves telling. Furthermore, if the elders slay the cow merely to visualize the penalty for collaboration in or concealment of a possible murder, there is no plausible reason for them to undertake the ritual at

[176] See sef Scharbert, *Heilsmittler im Alten Testament und im alten Orient*, QD 23/24 (Freiburg: Herder, 1964), 108, n. 25; Paul Garnet, *Salvation and Atonement in the Qumran Scrolls*, WUNT II/3 (Tübingen: Mohr Siebeck, 1977), 71, n. 3; Don Benjamin, *Deuteronomy and City Life: A Form-Critical Study of Text with 'îr in Deuteronomy 4:41-26:19* (Lanham: UPA, 1983.), 204; Volker Wagner, "Beobachtungen am Amt der Ältesten im alttestamentlichen Israel," *ZAW* 114/4 (2002): 573.

a perpetually flowing stream.[177] If the mere act of killing the cow constitutes the ritual's entire significance, then the location should be unimportant. Interpreting the ritual as an imprecatory sign-act leaves interpreters with no explanation for several significant details in Deut 21:1-9.

3) The ritual slaughter of the cow in a remote location has led some scholars to argue that the cow's death is meant to prevent the animal from returning to the community while burdened with guilt. When the elders wash their hands over the cow, they transfer the guilt of murder from the community to the animal. Once the cow takes on this guilt, it must be killed so that it cannot spread the contagion back to society or useful land.[178] The strongest parallel in the Hebrew Bible to using an animal to remove guilt from the community appears in the scapegoat ritual of Lev 16. In the priestly ritual, the high priest transfers the community's guilt to the goat by laying his hands on it. The goat is then driven off into the wilderness under the guidance of an individual, who ensures that the goat carries the misdeeds of the people away and does not bring them back (Lev 16:21-22).[179] While there appear to be some surface similarities between these two rituals, the differences between Deut 21:1-9 and the scapegoat ritual of Lev 16 are too substantial to overlook. The scapegoat is sent away with the people's guilt to a desolate place; the cow is already in a remote place when the transfer of guilt takes place. The scapegoat is not ritually killed or even necessarily killed at all, whereas the cow of Deut 21 must be killed in a very specific way, by having its neck broken. The scapegoat is sent away under the supervision of a criminal (*'îš 'ittî*); the cow's slaughter is closely monitored by both local authorities (the city

[177] So also Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 393.

[178] See e.g., A. D. H. Mayes, *Deuteronomy*, NCB (Grand Rapids: Eerdmans, 1981), 297-298.

[179] For a helpful discussion of the *'îš 'ittî*, the man who conducts the scapegoat into the wilderness, see Raymond Westbrook and Theodore J. Lewis, "Who Led the Scapegoat in Leviticus 16:21?," *JBL* 127/3 (2008): 417-422.

elders) and those of the central sanctuary (the priests). Those who suggest that the cow is killed to prevent it from inadvertently bringing guilt back into the community cannot explain why the cow is introduced in the first place.[180] It does not carry the guilt away to the stream; the transfer takes place there. The cow appears to be entirely unnecessary for carrying guilt away. Finally, if the hand-washing rite serves to transfer guilt to the cow, those scholars who support this view cannot explain why the hand washing takes place after the cow has been killed (cf. Deut 21:4, 6). It would be exceedingly strange to transfer the community's guilt to the animal after the animal has been put to death.

4) Given the requirement in the Hebrew Bible that a murderer be put to death (cf. Gen 9:6; Num 35:16-21; Deut 19:11-13), some have suggested that the ritual slaughter of the cow operates as a vicarious execution of the (supposed) murderer. This approach to Deut 21:1-9 fits nicely within the broader approach to murder and its penalty in the Hebrew Bible. Since the community cannot identify or bring judicial action against any criminal, they use the cow instead to vicariously shed the blood that must be spilled for restoring justice.[181] Additionally, the cow is killed at a flowing stream so that the blood poured out in the act will be washed away by the waters.[182] This approach to the ritual makes considerably better sense of the text than those treated in the preceding paragraphs, but it encounters several difficulties of its own. First, legally speaking, the symbolic execution of the cow would presumably not replace a real execution of

[180] See Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 393.

[181] This approach to the text has a long pedigree, reaching back as far as the work of Julius Wellhausen (*Israelitische und Jüdische Geschichte* [Berlin: Walter de Gruyter, 1921], 87). See also Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 242; Patai, "The 'Egla 'Arufa," 63; Baruch Margalit, *The Ugaritic poem of Aqht: Text, Translation, Commentary* (BZAW 182. Berlin: De Gruyter, 1989), 409-410; Baruch Levine, *Numbers 21-36: A New Translation with Introduction and Commentary*, AB 4A (New York: Doubleday, 2000), 562.

[182] See Driver, ibid., 242; Levine, ibid., 562.

the murderer were the culprit to be discovered.[183] Under ordinary circumstances, purification from the pollution caused by illicit bloodshed requires the execution of the criminal. Were the criminal to be found after the ritual of Deut 21:1-9, it is difficult to imagine society deeming his crime forgiven because of the slaughtered cow. Execution of the criminal would be a sure way to enact justice and be certain that the threat of pollution was removed. Yet, in such a case, there would seem to be no real need for the ritual slaughter of the cow. Second, situating the cow's death at a perennially flowing stream seems unsuitable to a vicarious execution. As noted already, scholars have argued that the stream is intended to wash away the blood that is shed. But this vicarious execution would be the only place in the Hebrew Bible where the execution of an individual requires a flowing stream for purification. Any other time a murderer was put to death, society had no problem letting his blood fall to the ground without washing it away. Additionally, execution was typically a highly public affair, occurring in public spaces open to view. Performing the vicarious execution of a murderer in a streambed would remove the act from society's view. Third, when the elders kill the cow, their claim that "our hands did not shed this blood (*haddām hazzeh*)" would be quite strange in the case of a vicarious execution. The very point of substituting the cow for the murderer is to ensure that the murderer's blood is symbolically shed. So, for the elders to claim that they did not shed this blood appears to be the antithesis of what they have done. Stating that they did not shed the blood of the murderer essentially demands that the elders admit that their ritual performance was ineffectual. For these reasons, it makes little sense to suggest that the cow represents the murderer.

[183] See Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 392.

5) Jan Dietrich has approached Deut 21:1-9 in a novel way, contending that the cow represents not the killer, but the city nearest to the body found in the open country. According to Dietrich, the city itself bears responsibility for the murder of the individual found in the field and must make restitution for the crime because the culprit cannot be found. As a substitute for the community, the cow takes the city's corporate penalty and dies in its place. In Dietrich's view, the female cow, an uncommon ritual object, should be metaphorically related to women (cf. Judg 14:18). By way of further extension, this feminine image can be linked to collective groups like the city, land, and people (cf. Gen 15:7-9; Jer 46:20; 50:11; Hos 10:5, 11).[184] So, the elders take the cow out to a remote wadi and kill it there in payment for the city's liability for the unsolved murder. Additionally, by breaking the cow's neck, the elders impose on it a shameful, debasing form of punishment.[185] Elsewhere in the Hebrew Bible, breaking an animal's neck indicates the unredeemable status of that animal (cf. Ex 13:13; 34:20). Further, according to Dietrich, breaking the neck of an animal subjects it to shame (cf. Isa 66:3; Hos 10:2).[186] In his perspective, "Die reine Jungkuh von Dtn 21,4 wird wie ein unreines Tier zu Tode gebracht."[187] The animal undergoes shame as it is displaced form a position of purity to an impure status. By shaming the animal, the elders openly condemn the misdeed that brought about the need for this ritual response.

[184] Dietrich, *Kollektive Schuld und Haftung*, 245.

[185] Dietrich calls this penalty "Schandstrafe." Ibid., 266.

[186] Note that Isaiah 66:3 does contrast the appropriate act of sacrificing a lamb with the inappropriate breaking of a dog's neck (*'ōrēp keleb*). Hosea 10:2, however, uses the verb *'rp* to describe the destruction of altars. This unusual metaphorical application of neck-breaking to a ritual object indicates the shameful and violent mode by which the altars are destroyed.

[187] Dietrich, *Kollektive Schuld und Haftung*, 267.

Much of Dietrich's work on Deut 21:1-9 is worthy of commendation (in particular, his argument that the cow is debased by having its neck broken, as discussed further below), yet his interpretation of the text bears several shortcomings. Most importantly, Dietrich fails to convincingly demonstrate the symbolic link between the female cow and the city nearest to the body. The verses he cites to establish a link between female cows and collective entities provide little support for his argument. In Gen 15:7-9, several animals other than a female cow are slaughtered in the ritual: a female goat, a ram, a turtledove, and a young pigeon. The female cow hardly seems unique in representing the people or land of Abraham. And Dietrich does not follow this text to the logical conclusion that all these other animals likewise ought to represent collective groups. Jeremiah 46:20 does represent the nation of Egypt as a female cow (*'eglâ*), but in v. 21 the leaders of the state are male calves (*'eglê*). Then in v. 22 Egypt is compared to a serpent, yet again Dietrich does not argue that snakes are also common representatives of corporate groups. Similarly, in Jer 50:11 the prophet compares the Babylonians to a heifer, but in the same sentence also compares them to stallions (*'ăbbirîm*). Once more, Dietrich contends that the heifer represents the collective entity, but he makes no comment about stallions playing such a role. Taken together, all these verses would suggest that not only female cows can represent collective groups, but also female goats, rams, turtledoves, young pigeons, snakes, and stallions, a position that seems hardly tenable. Dietrich also looks to the "calf of Beth-aven" (*'eglôt bêt 'āwen*) as an example of a female cow representing a corporate entity. But, in this case the calf is actually a cult image that has been carried away from the city, not a representation of that city. Finally, Hos 10:11 provides the one text where only a female cow and no other animal represents a collective group. Yet, this single text provides insufficient grounds to support Dietrich's overarching claim that female cows were commonly used in Israelite imagery and ritual to

represent cities, lands, or people groups. Dietrich has shown that a female cow may represent a collective, but he has (inadvertently) also drawn attention to the fact that many other animals also represent such groups. No evidence from the Hebrew Bible distinctly associates the female cow with corporate bodies. Furthermore, if the cow represents the city nearest to the corpse found in the open country, as Dietrich suggests, then it becomes unclear what role the elders play in the ritual. Since the cow represents the city, the elders should not likewise represent that same community (resulting in a ritual in which representatives of the city put to death another representative of the same city). The ritual proves more coherent when the elders, as representatives of the city, put the cow to death as a symbolic representation of another party.

6) Finally, a significant number of scholars interpret the killing of the cow in Deut 21:1-9 as a ritual reenactment of killing the slain person found in the field, which removes blood pollution from Israel's productive territory to an uninhabited area. In this approach to the text, performing the ritual at a flowing stream (*naḥal ʾêtān*) is crucial. The waters carry the pollution caused by unsanctioned violence away from the land and keep the people and territory of Israel safe.[188] Rites of elimination in the ancient Near East frequently use rivers or streams to remove impurities.[189] In Deut 21:1-9, the polluting blood has already been shed in the land, so the city elders ritually reenact the murder to situate the blood in a safe place where it will be removed from the land and cause no harm.[190] The ritual further mitigates the potential threat of defilement

[188] See Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 242; Feder, *Blood Expiation*, 181.

[189] Since rivers (unlike other sites of elimination such as mountains, steppes, or enemy territories) actively remove the impurity downstream and do not permit it to climb back upstream, they are frequently personified as divine agents in the process of purification (cf. ^{d}ID in the Mesopotamian Namburbi rituals). See Dietrich, *Kollektive Schuld und Haftung*, 252-255.

[190] In 1 Kings 18:40 we find what may be the one other text in the Hebrew Bible that demonstrates the ability of streams to remove bloodguilt from Israel's territory. After Elijah overcomes the prophets of Baal in the religious contest on Mt. Carmel, he urges the Israelites to seize those prophets and kill them. Yet, instead of killing the

by situating the reenacted murder in an uncultivated locale. The original murder was committed in a field, an area of concern to society (v. 1). As noted above, the defilement resulting from this violent crime threatened the economic vitality of the area. Thus, the ritual reenacts the killing in an uncultivated place to relocate the pollution there, where it no longer poses any threat to human concerns.[191] The rite of Deut 21:1-9 thus serves to purify the land from the defiling force of bloodshed by removing the stain of blood and situating it somewhere where it no longer poses any danger to society.[192] The elders' confession in v. 7 further supports the view that Deut 21:1-9 functions as a ritual reenactment of the killing. The elders testify that they did not shed "this blood" after they have killed the cow. Of course, by breaking the cow's neck they would have shed little, if any, of the animal's blood.[193] The phrase must have another, more significant referent: the blood of the slain individual.[194] By reenacting the murder at a flowing wadi, the

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prophets immediately, Elijah leads them to the Wadi Kishon and has them killed there. It would appear that the author of 1 Kings is aware that some places are more appropriate than others to perform an execution. The summit of Mt. Carmel may have been unacceptable in part because it was sanctified by the altar to Yahweh standing there. But Elijah may also have viewed the wadi as a proper execution site because it could wash away the blood of execution. Even if the wadi was dry (given the drought conditions present at this point in the Kings narrative), it may have been considered appropriate because it was uncultivated (like the stream in Deut 21:1-9) and about to be flowing strong with fresh rainwater (cf. 1 Kgs 18:41-45).

[191] See Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 395; Tigay, *Deuteronomy*, 474; Pamela Barmash, *Homicide in the Biblical World* (Cambridge: Cambridge University Press, 2005), 105.

[192] See Wright, ibid., 395, n. 25; Timothy Willis, *The Elders of the City: A Study of the Elder-Laws in Deuteronomy*, SBL Monograph Series 55 (Atlanta: Society of Biblical Literature, 2001), 155.

[193] Scholars have devoted considerable energy to the question of whether any of the cow's blood is shed. Some conclude that none of the cow's blood is shed in the ritual (e.g., Feder, *Blood Expiation*, 181). Others suggest that the phrase "this blood" requires that some of the cow's blood be shed (e.g., Dion, "Deutéronome 21,1-9," 14; Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 394, n. 22). It seems to me that the presence or absence of blood in the ritual is of little concern to the author since the subject is not mentioned. If blood is shed, it serves no apparent ritual function; if not, the ritual still addresses the problem of the murdered individual's blood.

[194] See Feder, *Blood Expiation*, 181-182; Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," 394. Dietrich argues that it is a mere assumption that the blood of the cow symbolizes the blood of the slain individual to be eliminated by the flowing stream (*Kollektive Schuld und Haftung*, 54). He contends that stronger evidence should be rallied in support of the link between cow and victim. Yet, Dietrich seems to overlook the fact that ritual texts regularly play on implicit associations such as this. Additionally, the use of the phrase "this blood" with a clear

elders remove the threat of pollution from Israel's arable land and situate it where it poses no threat and can be immediately washed away by water. In doing so, the elders declare their innocence and petition to God to remove the threatening pollutant from his people and territory (Deut 21:7-8).

As in the other land-defilement texts treated thus far, the proper response to the pollution of Israel's territory is corporate in nature, not something entrusted to a single individual. Several groups of public representatives get involved in cleansing the land from unsolved murder: local judges (Deut 21:2), city elders (Deut 21:2ff.), and priests associated with the central sanctuary (Deut 21:5).[195] Additionally, the prayer of verse 8 calls on God to atone for the nation as a whole, not merely the inhabitants of the city responsible for responding to the unsolved murder (cf. Deut 32:43 where God atones for the land as a whole).[196] Unatoned bloodguilt affects the entire nation and the elders of the city respond to make amends on behalf of all Israel.[197] The concept of land-defilement takes what could have been viewed as a local feud (between the families of the murderer and the victim, or between the murderer and the local judicial authorities) and globalizes it, calling for national control of the response to unsolved murder. The impurity caused by murder poses a threat to national security and stability. Thus, religious

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double referent makes the connection between cow and victim sufficiently clear for an audience to make the association.

[195] Jeffrey Stackert overlooks the involvement of national officials in Deut 21:1-9 when he asserts that Deut 21:1-9, in contrast to Num 35:9-34, treats land-defilement merely as a local concern (*Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007), 78). More helpful is Ziony Zevit's observation, "All Israel was considered accountable for innocent blood, but practically speaking, the community in which or near which the crime occurred was considered responsible." "The *'Eglâ* Ritual of Deuteronomy 21:1-9," 381.

[196] See Craigie, *Deuteronomy*, 280; Weinfeld, *Deuteronomy and the Deuteronomic School*, 32; Willis, *The Elders of the City*, 160.

[197] See McConville, *Deuteronomy*, 327.

authorities from the highest echelons of society ensure that the danger of blood pollution for all Israel is done away with for the well-being of the nation.

In summary, while Deut 21:1-9 nowhere explicitly addresses the defilement of the land, the text demonstrates significant concern with cleansing Israel's territory from the polluting threat of blood spilled by illicit killing. Under ordinary circumstances, the polluting bloodshed could be resolved by recourse to the judicial system (as in Num 35, addressed in the preceding chapter). Yet, Deut 21:1-9 entertains the very real possibility that a killer could go undiscovered. Yet, even when the perpetrator cannot be identified, the objective stain of his deed remains and threatens the well-being of Israel. As a result, the legislator has devised a ritual remedy to the legal dilemma posed in this situation. Yet again, the defilement of the land brings the authors of the Hebrew Bible to pull together legal and ritual concerns, in this case substituting ritual activity for the normally expected legal response (execution of the perpetrator).[198] The ritual of Deut 21:1-9 does not restore justice or provide any penalty for the crime that has been committed. Instead, the ritual effects only the removal of pollution from the land by acting out the illicit killing in a new, and safe, location, where the victim's blood will be washed away. In other words, the legislator has resolved the corporate issue of land defilement and its economic threat to society. The private concerns of justice and retribution between the families of the slayer and the victim go unresolved apart from the perpetrator's discovery. Nevertheless, the disgrace of illicit killing and its horrifying nature are put on display in the killing of the cow. As noted above, by breaking the cow's neck, the elders disgrace the animal and subject it to public

[198] Dietrich extensively surveys how Deut 21:1-9 functions as both a legal and ritual text. *Kollektive Schuld und Haftung*, 88-96.

humiliation.[199] The killer may have escaped the consequences of his surreptitious crime, but the elders display society's attitude toward such behavior: disgust. This strange ritual reinforces social attitudes toward heinous offenses as the legislator and those who act out his prescriptions publicly announce their disdain for unwarranted killing as a deeply troubling form of anti-social behavior. As in many other land-defilement texts, the offenses that pollute Israel's territory are viewed as heinous and shameful, requiring the judicial authorities to shape corporate affections to invoke revulsion at the thought of such misdeeds.

3.4 Conclusion

These three texts from Deuteronomy address issues not unlike those found in the priestly material. Mistreatment of human bodies (in this case corpses as well as the living) and sexual misconduct can adversely impact Israel's territory. In each of these provisions, the legislators of Deuteronomy use land defilement to ensure the observance of their legal rulings. City rulers dare not leave corpses exposed overnight. Husbands ought never to reclaim their divorced (and remarried) wives. And city elders should fastidiously respond to violent death, even outside the immediate bounds of their settlement. To fail in any one of these domains would threaten not just the legitimacy of local rulers or the legal freedoms of a wayward husband, but the very sanctity of Israel's land. Of course, at no point can the editors of Deuteronomy threaten punishments against those who neglect to observe these rulings. But, this inability to execute actual penalties highlights even more the power of ritual ideas like land defilement. Where legislators cannot

[199] Of course, the act of shaming an animal is a kind of anthropomorphizing language that does not apply literally in this case. The animal may not experience shame (least of all because it is immediately killed), but the ritual enables its observers to portray the illicit killing of a person as a shameful act.

enforce a ruling by their own force, they can attempt to shape the social values and legal norms of those who submit to their writings. The use of disgust and shame powerfully reinforces these expectations. As their audiences come to view these transgressions with horror, the moral values of Israel will come into closer alignment with the Deuteronomic code. Thus, while land defilement hardly seems a foundational concern in the book of Deuteronomy, the editors of the text put this concept to effective use. In the three texts explored in this chapter, Deuteronomy echoes the broad concerns of priestly texts without reiterating precisely the same points. It would be quite a challenge to argue for textual dependence of either source on the other, yet these similarities may reflect some culturally shared beliefs in ancient Israel. But arriving at any judgment on this matter must await further and fuller analysis of land defilement outside the Pentateuch.

Chapter Four

"If a Man Divorces His Wife, Will He Return to Her? Would Not That Land be Greatly Polluted?" The Defilement of the Land in Jeremiah

Land defilement is a concern to biblical authors and editors outside the prescriptive texts of the Pentateuch. The prophetic books also treat Israel's territory as subject to pollution should its inhabitants behave corruptly. In this chapter, I describe how the book of Jeremiah describes land defilement as one consequence of Israel's religious infidelity. In this material, we find the editors of Jeremiah combining themes discussed in the previous two chapters in creative ways. Specifically, Jer 2:1-4:2 describes Israel's religious turning from dependance on Yahweh as a metaphorical act of adultery that defiles the land. These overtones of sexual offense reflect the priestly concern that sexual misdeeds could pollute Israel's territory. Yet, in crafting this pericope, the editors of Jeremiah explicitly quote not from priestly land-defilement texts (such as Lev 18), but from Deut 24:1-4. Following the Deuteronomic law, this prophetic text (specifically Jer 3:1-5) claims that Israel's infidelity pollutes the land and makes her just as difficult to receive back as a wife who has been divorced and married another man.

In the discussion that follows, I first address several text-critical and redaction-critical difficulties presented by Jer 3:1-5. Then, I explore the use of land defilement in this passage and attempt to demonstrate how Jeremiah both draws upon and develops ideas found in the Pentateuchal land-defilement texts. While determining the exact sources of Jeremiah's outlook on land-defilement ultimately seems impossible (except for the clear citation of Deut 24:1-4), the text generally reflects the concerns already seen in priestly and Deuteronomic literature. Yet,

while the text of Jeremiah resonates with other themes we have seen, it also develops a novel description of land-defilement. The editors present us with a sexual-religious metaphor that characterizes Israel as a faithless wife who abandons her husband, Yahweh, thereby polluting her land and threatening its agricultural productivity.

4.1 Structure and History of Jeremiah 3:1-5

Jeremiah 3:1-5 presents the relationship between Yahweh and his people as a deeply troubled marriage. God fills the role of faithful husband, while his people play the part of faithless wife. And this wife has not simply fallen into a solitary affair. She deliberately and persistently seeks out new paramours. The author applies the metaphor of the broken marriage to Judah's situation as follows:[1]

[1] The text of Jeremiah presents interpreters with substantial text-critical challenges. The LXX of Jeremiah is significantly shorter than MT Jeremiah, lacking about one sixth of the material found in MT. Further, LXX Jeremiah presents a significantly different arrangement of the chapters and verses in the book. Most dramatically in this respect, MT places the oracles against the nations at the end of the book in chapters 46-51, before the historical appendix in chapter 52. LXX, on the other hand, places these same oracles in the middle of the book after 25:13. Some have concluded that, since the translator of LXX Jeremiah employs a very literal translation technique, it would be unlikely for the translator to abridge the text. Instead, the LXX translator must have been reading a Hebrew Vorlage substantially different from the text of MT (see Karin Finsterbuch and Norbert Jacoby. *MT-Jeremia und LXX-Jeremia 1-24: Synoptische Übersetzung und Analyse der Kommunikationsstruktur*, WMANT 145 [Neukirchen-Vluyn: Neukirchener Verlag, 2016], 3; Emanuel Tov, "The Literary History of the Book of Jeremiah in the Light of its Textual History," in *The Greek and Hebrew Bible: Collected Essays in the Septuagint*, ed. Emanuel Tov, VTSup 72 [Leiden: Brill, 1999], 363). That the Hebrew Vorlage behind LXX Jeremiah was not a proto-Masoretic text has been further substantiated by the evidence of the Qumran texts. Both 4QJer^{b} and 4QJer^{d} reflect the recensional qualities of LXX Jeremiah where the texts overlap. It seems quite likely that LXX Jeremiah was translated from a text similar in character to these documents. See Tov, *Textual Criticism of the Hebrew Bible,* 2nd Revised Edition, (Minneapolis: Fortress, 2001), 320. As a result, these scholars contend that the Vorlage of LXX Jeremiah was as an early edition of the book that preceded the subsequent, revised edition reflected in proto-MT (an edition regularly dated to the Hasmonean era). See David Carr, *The Formation of the Hebrew Bible: A New Reconstruction*, (Oxford: Oxford University Press, 2011), 170-174; Tov, "The Literary History of the Book of Jeremiah in the Light of its Textual History," 364; Finsterbuch and Jacoby, *MT-Jeremia und LXX-Jeremia 1-24*, 13. Debate and discussion surrounding the compositional history of Jeremiah still continues, with a growing number of scholars suggesting that both LXX and MT Jeremiah show signs of late editorial activity. Even if LXX may have been based on an earlier Vorlage, the LXX text developed over time and needs to be handled critically. As a result, each text-critical variant ought to be considered on a case-by-case basis to reconstruct the preferable reading. This approach is highlighted well in Shimon Gesundheit, "The Question of LXX Jeremiah as a Tool for Literary-Critical

"If[2] a man divorces his wife, and she departs from him and becomes another man's wife, can he ever return to her (*hăyāšûb 'ēlêhā 'ôd*)?[3] Would not that land be greatly polluted (*hălô' ḥānôp teḥenap hā'āreṣ hahî'*)?"[4] But you have had extra-marital intercourse (*zānît*)[5] with many lovers, and would you return to me? declares Yahweh. Lift your eyes up to the heights and look! Where have you not

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Analysis," *VT* 62/1 (2012): 29–57. Gesundheit prefers to see LXX Jeremiah as a "flattened" text that seeks to resolve the tensions resulting from the book's long compositional history. In the notes to the text that follow, I discuss only those differences between LXX and MT that impinge on the subsequent interpretation of the text in this chapter. While other differences between the two text editions exist, they are not treated here because they are irrelevant to the conclusions in this chapter.

[2] On the function of the freestanding *lē'mōr* that begins this passage, see below. The term *hēn* has been variously interpreted by scholars with some reading it as a presentative particle like *hinnēh* in v. 5 (so Jack Lundbom, *Jeremiah 1-20: A New Translation with Introduction and Commentary*, AB 21A [New York: Doubleday, 1999], 54). Others, more convincingly, read *hēn* as the introduction to a legal paragraph meaning "if" (as in Aramaic) and functioning like *kî* in other legal settings (cf. Jer 2:10; Lev 10:18; 25:50). See William L. Holladay, *Jeremiah 1: A Commentary on the Book of the Prophet Jeremiah, Chapters 1-25,* (Philadelphia: Fortress, 1986), 112; Dalit Rom-Shiloni, "Actualization of Pentateuchal Legal Traditions in Jeremiah: More on the Riddle of Authorship," *ZABR* 15 (2009): 263, n. 34.

[3] MT and LXX differ regarding the subject of this phrase. MT reads a masculine verb with the husband as the subject. LXX reads the phrase with the wife as subject: *mē anakamptousa anakampsei pros auton.*. The text of MT is followed by Vulg. and Tg. (Syr. also reflects this Vorlage but appears to paraphrase the text) and reflects the phrasing of Deut 24:4, the text being alluded to in context, which reads *lō' yûkal… lāšûb lĕqaḥtāh lihyôt lĕ'iššâ*, "he is not able to take her again as his wife." While the harmony with Deut 24:4 might lead interpreters to regard this version as harmonistic (see Thomes R. Hobbs, "Jeremiah 3:1-5 and Deuteronomy 24:1-4," *ZAW* 86/1 [1974]: 23), it seems more plausible that LXX has harmonized its reading of the verse. The feminine form of the verb found in LXX reflects the feminine subject found again at the end of this verse. MT appears to be a favorable *lectio difficilior* because the change in subject in Jer 3:1 proves surprising and the contrasting LXX rendering has most likely been influenced by the immediate context. This approach to the text is shared by Holladay (*Jeremiah 1*, 113), among others.

[4] MT and LXX differ regarding what has been polluted in verse 1. MT, following Deut 24:1-4, claims that the land would be defiled by the restoration of the wife to her husband. LXX (and Vulg.), on the other hand, states that the wife (*gunē*) herself would be defiled. Here again, MT coheres better with the text of Deut 24:1-4 whereas LXX coheres better with the immediate context of Jer 3:1-5. Once again, MT seems to reflect the *lectio dificilior*. The shift from Greek *gē* to *gunē* would have been graphically/aurally quite simple if the error occurred in the transmission of the Greek text. Furthermore, this shift would have made greater sense of the verse, which discusses the woman's behavior and marital circumstances with no apparent regard for the status of Israel's land. Additionally, LXX's adjustment to the text may reflect an interpretation of Deut 24:1-4 that regards the woman as sexually defiled by her remarriage (cf. Eve Feinstein, *Sexual Pollution in the Hebrew Bible*, [Oxford: Oxford University Press, 2014], 64-65). Holladay helpfully notes that the clause 'would not that land be greatly defiled" is "a shift in thought so striking that the LXX and Vg of Jer 3:1 missed it, reading 'that woman' instead of 'that land.'" ""Elusive Deuteronomists, Jeremiah, and Proto-Deuteronomy," *CBQ* 66/1 (2004): 65. Note, however, that some scholars do follow the rendering of LXX. See e.g., William McKane, *A Critical and Exegetical Commentary on Jeremiah*, ICC (Edinburgh: T & T Clark, 1986), 58-59; Ernest W. Nicholson, *Jeremiah Chapters 1-25*, CBC (Cambridge: Cambridge University Press, 1973), 40-42.

[5] For a discussion of the verb *znh* and its meaning "to have extra-marital intercourse," see the discussion of Lev 19:29 in Chapter 2.

been laid (*šugalt*)?![6] You sat by the ways for them like an Arab in the wilderness. You polluted the land (*wattaḥănîpî ʾereṣ*) by your vile extra-marital intercourse. Thus, the showers have been restrained and the spring rain has not come.[7] But you have the forehead of a whore.[8] You have refused to be ashamed. Did you just now cry out[9] to me, "My father, you are the companion of my youth. Will he be angry forever? Will he be perpetually furious?"[10] You say this,[11] but you have done evil and prevailed.[12]

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[6] Note that I am reading the Ketib *šglt* instead of the Qere *škbt*. In either case, the verb should be interpreted as a Qal Passive instead of a Pual. While our understanding of *šgl* is limited by the restricted number of appearances in the Hebrew Bible (only four) and the fact that every attestation has been re-interpreted by the Masoretes, in every other text where *šgl* appears, it is either Qal (Deut 28:30) or Niphal (Isa 13:16; Zech 14:2). While this data is too limited to make a definitive decision on the matter, the Masoretes seem to have clearly misunderstood the form in the present context because they choose to read a Pual form of *škb*. This extremely common Hebrew verb never occurs in the Piel or Pual stems in biblical Hebrew. It is, however, commonly attested in the Qal stem. As a result, it would seem that the Masoretes have misread a Qal Passive verb as a Pual in this text. Note that the reading of Ketib *šgl* as Qere *škb* occurs in every text where the verb *šgl* is used (cf. Deut 28:30; Isa 13:16; Zech 14:2). Evidently, the Masoretes considered *šgl* an offensive term and replaced it with the more mundane *škb*, "to lie with." For further discussion on this matter, see below.

[7] LXX reads verse 3 quite differently as, "And you had many shepherds as an obstacle to yourself." The translator appears to interpret *rĕbibîm* as a form of *rbb*, "to be many." That the "many" are "shepherds" emerges from the translators' rendering of verse 1, where MT's *rēʿîm rabbîm*, "many lovers," is read as *rōʿîm rabbîm*, "many shepherds." LXX also reads *mwqš*, "snare," instead of *mlqwš*, "spring rain," in MT. The reading of LXX seems to be a secondary attempt at interpreting this verse, wherein the translator has failed to understand the meaning of two relatively rare meteorological terms and thereby corrupted the rendition of the text.

[8] The expression "the forehead of a whore" is elliptical, indicating that the people have *set* their forehead resolutely to behave like a whore. The forehead is a symbol of resolve, determination, or negatively, stubbornness and intractability (cf. Ezek 3:7-9; Isa 48:4). The association of the forehead with relentless determination may explain why king Uzziah first experiences an outbreak of *ṣaraʿat* disease on his forehead (2 Chr 26:19-20). Having prospered in his reign, Uzziah grew arrogant (*gābah libbô*) and entered the sanctuary to burn incense on the altar in the holy place (2 Chr 26:16). Resisting the urging of the priests to turn back and leave the temple, Uzziah persisted in his ritual activity and experienced an outbreak of leprosy on the forehead, perhaps because of his stubborn disobedience.

[9] The Ketib presents the archaic spelling of the 2fs verb: *qrʾty*.

[10] The verb *nṭr* typically means "to keep one's anger, remain furious" in the Hebrew Bible (cf. Jer 3:12; Lev 19:18; Nah 1:2; Ps 103:9). Only when the verb appears in the Song of Songs does it designate "keeping, tending" most often as a substantive, "keepers" (Song 1:6; 8:11, 12).

[11] The Ketib again presents the archaic spelling of the 2fs verb: *dbrty*.

[12] The verb *tûkal* is technically masculine in form but see GKC §145t for a discussion of how the feminine ending occasionally drops off in sequences of 2fs verbs.

The marriage metaphor controls the discourse of the larger context in Jeremiah 2:1-4:4, but reaches its climax in these verses.[13] God's people have so deeply violated their relationship to him that they can only be compared to a divorced woman incapable of being restored to her husband.

In comparing Israel to a divorced woman, the author explicitly invokes the legal precedent found in Deut 24:1-4. Several features of Jer 3:1-5 demonstrate its dependence on the law found in Deut 24:1-4. Jer 3:1 begins with the freestanding infinitive *lē'mōr*, which functions in this context as a citation formula.[14] Some scholars consider this term to be a truncated form of a longer superscription or an unintelligible fragment that ought to be deleted.[15] But, comparison with Hag 2:11-12 indicates that an independent *lē'mōr* may introduce a legal citation.[16] For Carly Crouch, *lē'mōr*, is "the nearest that exists in Hebrew to an opening quotation mark."[17] Here, these "open quotes" call the reader to consider the text being cited: Deut 24:1-4. The legal background to Jer 3:1-5 resonates through a number of lexical parallels it shares with the

[13] See A. R. Pete Diamond and Kathleen M. O'Connor, "Unfaithful Passions: Coding Women Coding Men in Jeremiah 2-3 (4:2)," *BibInt* 4/3 (1996): 292.

[14] See Carly Crouch, "Playing Favourites: Israel and Judah in the Marriage Metaphor of Jeremiah 3," *JSOT* 44/4 (2020): 607; Michael Fishbane, *Biblical Interpretation in Ancient Israel*, (Oxford: Clarendon, 1985), 307; Mayer Gruber, "Jeremiah 3:1-4:2 Between Deuteronomy 24:1-4 and Matthew 5: Jeremiah's Exercise in Ethical Criticism," in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, edd. Chaim Cohen, et al., (Winona Lake: Eisenbrauns, 2008), I:233; Mary Shields, *Circumscribing the Prostitute: The Rhetorics of Intertextuality, Metaphor and Gender in Jeremiah 3.1-4.4,* JSOTSup 387 (London: T & T Clark, 2004), 4.

[15] See e.g., Lundbom, *Jeremiah 1-20*, 300 and McKane, *Jeremiah*, 58. These scholars look for support to the failure of LXX and Syr. to represent *l'mr* in their translations of the text.

[16] See Fishbane, *Biblical Interpretation in Ancient Israel*, 307; Shields, *Circumscribing the Prostitute*, 4. This interpretation finds support in the expansionist rendering of Vulg.: *vulgo dicitur*, "it is a common saying."

[17] "Playing Favourites: Israel and Judah in the Marriage Metaphor of Jeremiah 3," *JSOT* 44/4 (2020): 607. Holladay likewise regards *l'mr* as an opening quotation mark, but for different reasons. In his view, the infinitive originally followed directly after 2:9, which closes with an introduction to ensuing discourse. See Holladay, *Jeremiah 1*, 57.

Deuteronomy passage. Both texts use the Piel of *šlḥ* to describe divorce (Jer 3:1; Deut 24:1, 3, 4). Additionally, the phrase *wĕhālĕkâ mē'ittô wĕhāyĕtâ lĕ'îš 'aḥēr*, "and she departs from him and becomes another man's wife," most likely reflects the similar expression found in Deut 24:2: *wĕyāṣĕ'â mibbêtô wĕhālĕkâ wĕhāyĕtâ lĕ'îš 'aḥēr* "and she leaves his house, goes, and becomes another man's wife."[18]

Some scholars note that the lexical parallels with the Deuteronomy text are too inexact. In their view, the Jeremiah text does not cite the law of Deut 24:1-4 but develops its legal precedent differently. For example, Thomas Hobbs has argued that Jeremiah and Deuteronomy may draw on an earlier, independent law on divorce and remarriage. Hobbs supports this thesis by noting that Jer 3:1-5 was composed early in the text's development (despite later redactional additions) and was therefore unlikely to have directly drawn on a written legal text that had been produced in quite recent history (as would be the case if the text of Deuteronomy were published under Josiah).[19] Other scholars contend that Jeremiah's discourse merely draws an analogy to Deut 24:1-4 without explicitly drawing on the legal tradition found therein.[20] Yet, these scholars fail to

[18] See Nathan Mastnjak, *Deuteronomy and the Emergence of Textual Authority in Jeremiah*, FAT 2/87 (Tübingen: Mohr Siebeck, 2016), 166. A more remote possibility of allusion to Deut 24 appears in the phrase *ka'ărābî bammidbār*, "like an Arab in the wilderness" (3:2). Kenneth Bergland contends that this phrase intentionally echoes the consonantal sequence of the difficult and rare phrase *'erwat dābār* in Deut 24:1. See Kenneth Bergland, "Reuse of Deuteronomy 24:1-4 in Jeremiah 3:1-10: A Reexamination," paper presented at the Annual Meeting of the SBL (San Diego, CA, 24 November 2014), 6. The consonantal sequences are somewhat similar. The Jeremiah text incorporates nearly the entire sequence that appears in Deut 24:1: *k'rby mdbr//'rwt dbr*. Further, Bergland suggests that both phrases allude to objectionable behavior that may be sexual in nature. He contends, "By this word-play… God in Jer 3 appears to imply that the people's promiscuity with other lovers constituted an [*'erwat dābār*], and therefore a legitimate ground for divorce according to Deut 24:1-4" ("Reuse of Deuteronomy 24:1-4 in Jeremiah 3:1-10," 6). While this literary allusion seems uncertain at best, it may be another case of Jeremiah drawing on the precedent in Deut 24:1-4.

[19] Hobbs, "Jeremiah 3:1-5 and Deuteronomy 24:1-4," 24.

[20] See James Martin, "The Forensic Background to Jeremiah III 1." *VT* 19/1 (1969): 91; James Kugel, "The Bible's Earliest Interpreters." Prooftexts 7 (1987): 280. Fishbane accounts for the lexical variations between Jer 3:1-5 and Deut 24:1-4 by observing that they "may be accounted for either by rhetorical licence [sic.], or by such slight

account for the surprising correspondence between these two texts, not just in lexical similarity (which is admittedly inexact), but also in content. Deuteronomy 24:4 closes its prohibition against remarriage with a surprising twist. The legislator warns that remarriage would defile the land (as discussed at length in chapter 3 above). *Likewise*, Jer 3:1-2 connects Israel's metaphorical violation of her marriage to Yahweh with the defilement of the land. This correspondence could hardly be accidental.

Additionally, Jer 3:1-5 adeptly modifies the legal rationale of Deut 24:1-4 for a new setting. As I argued previously, the legislator in Deuteronomy states that the woman cannot return to her first marriage because she has become sexually "polluted" vis-à-vis her husband. In the patriarchal, androcentric perspective of the ancient Israelite legislators, her sexual contact with another man has permanently changed her status and made her "untouchable" to her original partner. The author of Jer 3 compares the situation of God's people to that of the divorced woman but does so in a remarkable way. If a divorced and remarried woman could not be restored to her husband, how much less a woman who had "many lovers" (v. 1), who actively sought out new sexual contacts (v. 2) and refused to turn back from these behaviors (vv. 3, 5). For these reasons, it seems evident that Jer 3:1-5 draws on the legal tradition found in Deut 24:1-4, applying it in a powerful new way to a different social setting.[21]

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fluidity as can be expected where the phrasing of a legal topos was not fixed in a final, unalterable version." *Biblical Interpretation in Ancient Israel*, 308.

[21] Note that I am arguing here that Jeremiah uses the legal *tradition* found in Deut 24:1-4, not necessarily the published *text* of Deuteronomy. The correspondences between Jer 3:1-5 and Deut 24:1-4 seem too precise to argue that the two texts depend on a third, distinct source. Yet, to claim that the author(s) of Jeremiah relied upon the text of Deuteronomy as we have it today seems to assume more than we can demonstrate.

The rebellion of God's faithless wife proves even more shocking when we situate it in the broader literary context of chapters 2:1-4:4. These two chapters form a cohesive prophetic discourse in which the author recounts the evolving relationship between Yahweh and his bride, "Israel."[22] The prophet begins his discourse to Jerusalem (cf. 2:2) by reminding the people of Yahweh's incredible faithfulness and love toward his people. As they wandered the wilderness following him, he provided for them and protected them.[23] The remainder of chapter 2 excoriates the people's ancestors (2:5-6), leaders (2:8, 26-28), and the people themselves (2:7, 9-37) for their religious (2:10-13, 20-32) and political (2:14-19) infidelity to Yahweh. Though God has been unfailingly devoted to his people, even in their rebellion, they turned away from him.[24] The marital imagery persists throughout this section of text: Israel "forsakes" (*'zb*) Yahweh (2:13, 17, 19); she is compared to a female animal in heat who seeks out sexual partners (2:23-25); she states that she "loves strangers" (2:25); she is like a bride who has forgotten her marital ornamentation (2:32); she "seeks love" (*baqqēš 'ahăbâ*) and teaches her ways to "wicked women" (2:33).

[22] Scholars agree that Jer 2:1-4:4 should be considered together as a single literary unit (with the exception of 3:6-11, treated at length below). These two chapters are considered one of Jeremiah's earliest oracles, possibly dating to sometime shortly after 622 BCE. See Holladay, *Jeremiah 1*, 62; Lundbom, *Jeremiah 1-20*, 249-251. Some have discerned a more detailed redactional development that led to the current literary unity found in Jer 2-3. See e.g.., Mark Biddle, *A Redaction History of Jeremiah 2:1-4:2*, ATANT 77 (Zürich: Theologischer Verlag, 1990).

[23] An overwhelming majority of translations and interpretations of Jer 2:2 assume that this verse describes the devotion and love of Israel for Yahweh. Nevertheless, Michael Fox has convincingly overturned this consensus, contending that the *ḥesed* "devotion" and *'ahăbâ* "love" are actually God's devotion to and love for his people. Fox notes that the majority interpretation runs afoul of a great interpretive problem: nowhere else in the Hebrew Bible is the wilderness experience considered an ideal age of Israel's faithfulness to Yahweh. Fox's approach to the text grants a coherent reading that does not result in the editor of Jeremiah contradicting the widely accepted fact that Israel's wilderness wanderings were a time of bleak rebellion and discontent. For details see Michael Fox, "Jeremiah 2:2 and the 'Desert Ideal.'" *CBQ* 35/4 (1973): 441-450.

[24] See further, Shields, *Circumscribing the Prostitute*, 10-11.

The prophet repeatedly identifies his audience in these chapters as "Israel" (2:3, 4, 14, 26; 3:12, 20, 21, 23).[25] Yet, the "Israel" who is the object of the prophet's critique should not be identified with the ten tribes of the northern kingdom, which had already been defeated and deported by the Assyrians. The first cue that the "Israel" addressed in these chapters cannot be the northern kingdom appears in God's call to Jeremiah to, "Go, cry out in the hearing of *Jerusalem*" (2:2, emphasis added). Throughout Jer 2:1-37 and 3:12-17, 19-25 "Israel" serves as a name for the people of Judah centered on the city of Jerusalem.[26] This name has been chosen because of the historical backdrop in chapter 2.[27] The people are identified with the "Israel" of the exodus generation, who wandered the wilderness and took possession of the land (2:2-7). The sole exception to this use of the name, "Israel," appears in 3:18. That verse, by directly speaking of both Judah and Israel together, demonstrates that the referent has shifted. The prophetic diatribe against "Israel" in chapter 2 overwhelms the audience with one image after another of their guilt and Yahweh's faithfulness. Once the reader reaches 3:1-5, she cannot help but agree that God's wife has proven herself faithless, far more culpable than the divorced woman of Deut 24:1-4. As Mary Shields observes, "The citation of the law [Deut 24:1-4] makes explicit what is implicit in ch. 2− according to the law as applied to the metaphorical relationship between YHWH and Israel, YHWH cannot take Israel back."[28] Significantly for our purposes, this condemning historical narrative also introduces the idea of land defilement to be taken up again

[25] The title "house of Jacob" is also used in 2:4.

[26] See Mastnjak, *Deuteronomy and the Emergence of Textual Authority in Jeremiah*, 168, n. 91; McKane, *A Critical and Exegetical Commentary on Jeremiah*, I:31, 71; John M. Bracke, *Jeremiah 1-29* (Louisville: Westminster John Knox, 2000), 24.

[27] See Shields, *Circumscribing the Prostitute*, 8.

[28] Ibid., 10.

in 3:1-5 (cf. 2:7). By their faithlessness, the people entered the land and defiled it (*wattĕṭammĕ'û*), making it into an "abomination" (*tô'ēbâ*).

The ideas of marital infidelity, religious apostasy, and land defilement likewise continue beyond Jer 3:1-5 in the analogy of Israel and Judah that comprises Jer 3:6-11, however, this text presents the reader with several significant text-historical difficulties. Scholars agree that Jer 3:6-12aα (hereafter simply called 3:6-11 for simplicity's sake) comprise a secondary insertion that derives much of its material from the surrounding context.[29] This paragraph opens with a Deuteronomistic introduction (3:6) and shifts into a prose style uncharacteristic of the context and containing Hebrew marked by strange features.[30] The redactor incorporates numerous features of the surrounding material into the inserted text: *šûbâ mĕšubâ yiśrā'ēl* (3:6, 8, 11//3:12, more on this below); "on every high mountain, under every leafy tree" (3:6//2:20); "I sent her away" (3:8//3:1); "commit adultery" (3:8, 9//9:1); "treacherous" (3:8, 11//3:20); "profane the land" (3:9//3:1-2); and "stone and tree" (3:9//2:27).[31] The redactor takes "Israel" from the surrounding context and reconceives it as a direct reference to the northern kingdom. At the same time, the subject matter shifts in these verses to an extended analogy describing the northern kingdom's infidelity as a paradigm for Judah's own faithlessness. Holladay offers a compelling

[29] See generally, Carly Crouch, "Playing Favourites: Israel and Judah in the Marriage Metaphor of Jeremiah 3," JSOT 44/4 (2020): 595, n. 3; Holladay, *Jeremiah 1*, 81; John Bright, *Jeremiah*, AB 21 (Garden City: Doubleday, 1965), 25-27; McKane, *A Critical and Exegetical Commentary on Jeremiah*, 68.

[30] Holladay observes, "The passage shares no characteristic with the conventional prose of Jer except for the short phrase 'with all her heart' (v. 10, compare 24:7; 29:13; 32:41).… The style is careless and inelegant and may show Aramaic influence." *Jeremiah 1*, 81. See also Mastnjak, *Deuteronomy and the Emergence of Textual Authority in Jeremiah*, 169.

[31] Holladay describes 3:6-11 as "an early prose midrash on several phrases and words from the poetry of chapters 2-3." *Jeremiah 1,* 116.

explanation of how this redactional (mis)interpretation transpired. In his opinion, the author of 3:6-11 misunderstood the phrase *šûbâ měšûbâ yiśrā'ēl* (3:12). What was originally a direct command following immediately after 3:5 ("make a turn, O Israel"), was reframed by the redactor, who conceived of *měšûbâ* as a feminine adjective ("turning, apostate") or a noun describing the condition of Israel.[32] Thus, *měšûbâ yiśrā'ēl*, "apostate Israel," becomes a character accompanied by her sister, "treacherous Judah" (*bōgēdâ yĕhûdâ*) in the inserted text (cf. 3:6, 7, 8, 10, 11). Holladay suggests that this extended comparison between the two faithless sisters may draw on the allegories of Ezek 16 and 23.[33] Regardless of this possible literary dependence, the redactor imposes a very specific interpretation of 3:1-5 on the surrounding context. In Jer 3:6-11, the northern kingdom, Israel, has been divorced by Yahweh: "I sent her away with a divorce document" (Jer 3:8). For this redactor, divorce in the analogy is equated to the historical experience of exile.[34] The law of Deut 24:1-4 has already been applied to Yahweh's relationship with one part of Israel; faithless Israel (the north) was divorced for her misconduct.[35] Since the northern kingdom has been cast away in divorce/exile, the redactor then reinterprets 3:12 as a call to these exiles to repent. What began as a call of repentance to Judah, has been reframed by the inserted text as a call to exiled Israel. The analogy, therefore, serves as a warning to

[32] See ibid., 116. Note that LXX and Syr. read *měšubâ* as "settlement," associating the term with the verb *yšb*. Vulg. renders as *aversatrix*, "she that turns away, cheat," a rendition quite similar to that of the redactor. Targ. puts a surprising spin on the term: *dĕmitḥasnîn limtāb lĕpulḥānî*, "those who have resolved to return to worship me."

[33] See ibid., 81, 116. Note, however, that Carly Crouch firmly rejects any dependence of Jer 3:6-11 on the allegories in Ezekiel. Her position, a substantial and important diversion from the majority approach to this text, is treated at length below. See "Playing Favourites," 595, n. 2.

[34] See McKane, *A Critical and Exegetical Commentary on Jeremiah*, 69.

[35] See Shields, *Circumscribing the Prostitute*, 87-88.

"treacherous Judah" that she should heed the example of her sister and repent before she too is divorced by Yahweh and sent away in exile.

The inserted text in 3:6-11 strengthens the allusion to Deut 24:1-4 found in 3:1-5 by making more explicit reference to the legal background. The redactor uses the unique and specific vocabulary found in Deut 24:1-4, such as the verb *šillēḥ* to designate divorce (3:8, already appearing in 3:1). More striking is the mention of a *sēper kĕrîtut*, "divorce document," that Yahweh hands to his dismissed wife, Israel (3:8). This technical legal term appears only four times in the Hebrew Bible, twice in Deut 24:1-4, once here in Jer 3:8, and then in Isa 50:1, where Yahweh speaks of divorcing his people. The LXX rendering of Jer 3:8 advances the allusion to Deut 24:1-4 even further. Where the MT states that Yahweh "gave her decree of divorce to her," the LXX, instead of reading "to her" (*'ēlêhā*) reads "into her hands" (*eis tas cheiras autēs*). This phrase corresponds to Hebrew *bĕyādâ*, which Deut 24:1, 3 use to describe a husband giving a divorce document to his wife.[36] Interestingly, Jer 3:8 reverses the sequence of events natural to a divorce in both MT and LXX. In Deut 24, the husband gives his wife the decree of divorce and then sends her out of his home (cf. 24:1, 3). In Jer 3, Yahweh sends Israel away and then gives her the divorce document, an odd inversion of the expected sequence of events. This inversion may in fact be a case of Seidel's law, further supporting the conclusion that Jeremiah has reused the Deuteronomy text.[37] Yet, the redactor's use of Deut 24 in Jer 3:6-11, while clearly dependent

[36] See McKane, *A Critical and Exegetical Commentary on Jeremiah*, 65.

[37] See Bergland, "Reuse of Deuteronomy 24:1-4 in Jeremiah 3:1-10," 5. Seidel's law states that citation within the Hebrew Bible sometimes reverses the order of the elements in the source text. Thus, an original text AB appears in citation as BA. For further treatment of this principle of citation see Moshe Seidel, "Parallels Between Isaiah and Psalms," *Sinai* 38 (1955): 150; Shemaryahu Talmon, "The Textual Study of the Bible−A New Outlook," in *Qumran and the History of the Biblical Text*, eds. Frank Moore Cross and Shemaryahu Talmon (Cambridge: Harvard

on the surrounding material, simultaneously reimagines the original text in a fundamentally new and distinct manner.

The original text of Jer 2:1-4:4, before the insertion of 3:6-11, regards Judah as standing in a position far worse than that of the divorced woman in Deut 24:1-4. In the Deuteronomy text, a husband cannot reclaim his wife after she has been divorced and married another man, regardless of how the second marriage comes to an end. Judah, who has "had extra-marital intercourse with many lovers" (*zānît rē'îm rabbîm*), stands in a far worse position. She is totally incapable of returning to Yahweh according to this legal precedent. The pre-redacted text of Jer 2:1-4:4 does not explicitly demonstrate whether God has in fact divorced his wife, Judah.[38] She has clearly acted faithlessly toward her husband time and again, but the text does not concern itself with the specific legal status of Judah (divorced or not). Instead, the truly important factor to bring to the audience's attention is Judah's status as a far worse offender and far more sexually stained than the divorced woman of the comparison text.[39] The thrust of the original text, then, is to warn the people of the dangerous situation in which they stand. There is no reasonable hope of restoration and repentance (cf. 3:1). Yet, this scenario is turned on its head through the insertion of 3:6-11.

By inserting the analogy of the sisters Israel and Judah in 3:6-11, the redactor has shifted Judah's standing before Yahweh to that of not-yet-divorced wife, who still has hope of

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University Press, 1975), 362-363; Pancratius Beentjes, "Inverted Quotations in the Bible: A Neglected Stylistic Pattern," *Bib* 63 (1982): 506-523.

[38] So also, Lundbom, *Jeremiah 1-20*, 301.

[39] See Bracke, *Jeremiah 1-29*, 37.

repentance and restoration. As noted already, the redactor reads "Israel" in the surrounding context as the northern kingdom and inserts "Judah" as an explicit reference to the southern kingdom (perhaps in dependence on 3:18, where the two kingdoms appear in parallel). In the analogy, the redactor makes divorce explicit. Yahweh has sent his former wife, Israel, away in exile for her adultery (3:6-8). Judah, her sister, has seen all this, but failed to respond with sincere repentance.[40] Unlike her older sister, Israel, Judah has not yet been divorced (exiled) and she persists in "adultery with stone and tree" (3:9) and fails to "return to me [Yahweh] with her whole heart, but only in pretense" (3:10).[41] Judah has clearly positioned herself for an impending divorce and the threat appears particularly clear in 3:11: "Apostate Israel is herself more righteous than Treacherous Judah." If the exiled and divorced northern kingdom stands more righteous before God than Judah, then surely Judah ought to fear an impending divorce from which there will be no expectation of return. But, significantly, the redactor leaves open the possibility of repentance and restoration. Judah's exile has not happened yet (in the text, though by the redactor's day the historical events have transpired). Thus, Jer 3:6-11 takes an original

[40] See Lundbom, *Jeremiah 1-20*, 307.

[41] The mention of "stone and tree" in Jer 3:9 picks up an earlier reference to these illicit cult symbols in Jer 2:27: "[They] say to a tree, 'You are my father,' and to a stone, 'You gave birth to me.'" (Note that I read the Ketib *yldtny* instead of the Qere *yldtnw*.) Some have attempted to associate the tree with the Asherah symbol and the stone with *maṣṣēbâ* standing stones. These interpreters typically see an irony in Jeremiah's development of the poetic parallel. The Asherah, a female fertility symbol, is addressed as father, while the *maṣṣēbâ*, a male (phallic?) fertility symbol takes on the maternal role. (See e.g., Lundbom, *Jeremiah 1-20*, 285.) While tempting, this approach seems to import too much into the text. Neither colon identifies either an Asherah or a *maṣṣēbâ* explicitly but uses the generic terms for a tree/wood (*'ēṣ*) and stone (*'eben*). The concrete terms for Asherah and standing stones repeatedly appear together in the Hebrew Bible as forbidden cult objects (see Ex 34:13; Deut 7:5; 12:3; 1 Kgs 14:23; 2 Kgs 17:10; 18:4; 23:14; 2 Chr 14:2; 31:3), so we might expect the author to have had these terms accessible to him if they were the referent of this bicolon. By way of contrast, when we do see *'ēṣ* and *'eben* together with reference to illicit cult, they appear as generic descriptors of idolatry (see Deut 4:28; 28:36, 64; 29:17; 2 Kgs 19:18; Isa 37:19; Ezek 20:32; Hab 2:19). Moshe Weinfeld regards such references to gods of "wood and stone" as a regular feature of Deuteronomic phraseology in the struggle against idolatry. See Weinfeld, *Deuteronomy and the Deuteronomic School* (Winona Lake: Eisenbrauns, 1992), 324. The author of Jer 2:27; 3:9 seems to be using "stone and tree" as mere representations of the inert, inactive "false gods" that the people worship. See Holladay, *Jeremiah 1*, 104.

Judah who stands in a position far more culpable than the divorced woman of Deut 24:1-4 and transforms the people into a still deeply guilty, but not yet hopeless wife. She has not yet been divorced, so hope still remains.

The identification of Israel and Judah in Jer 3:6-11 as the northern and southern kingdoms, while typically accepted at face value in previous scholarship, has been recently challenged in a significant article by Carly Crouch.[42] In her approach to this redactional insertion, Crouch contends that "Israel" designates the exiled population of Judah and "Judah" those who continue to reside in the land.[43] The starting point for Crouch's argument is her identification of a serious dilemma frequently ignored by those who adopt the typical approach, which identifies Israel and Judah as the northern and southern kingdoms. The narrator clearly favors Israel as "more righteous" than her sister Judah (Jer 3:11), but Crouch finds it unlikely that this attribution of righteousness could be applied to the northern kingdom. Perhaps even more striking is the explicit call to Israel to repent in 3:12. Nowhere does the redactor directly call on Judah to turn back from her infidelity.[44] Here Crouch makes an insightful observation, but one that seems less than definitive in supporting her argument. In defense of the traditional approach, it seems entirely plausible to suggest that the redactor praises Israel in order to highlight Judah's culpability and danger more starkly. Judah has failed to learn from the

[42] Carly Crouch, "Playing Favourites: Israel and Judah in the Marriage Metaphor of Jeremiah 3," *JSOT* 44/4 (2020): 594-609.

[43] Note the similar pattern of favorably describing the Babylonian exiles as "Israel" and the negative characterization of the remnant in the land in other exilic and post-exilic literature. See Dalit Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah: Shifts of Group Identities within Babylonian Exilic Ideology," in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*, eds. Oded Lipschits, Gary N. Knoppers, and Manfred Oeming (Winona Lake: Eisenbrauns, 2011), 127-151.

[44] Crouch, "Playing Favourites," 595-596.

catastrophic failure of Israel and has thereby incurred far greater guilt because she should have known better. The declaration of Israel's righteousness merely plays the part of drawing attention to Judah's astonishing infidelity.

Crouch further advances her argument by claiming that the book of Jeremiah shows no concern for the northern kingdom but focuses only on Judah. For Crouch then, any identification of "Israel" with the northern kingdom seems out of place in the text.[45] Yet, Crouch's claim is directly contradicted in the immediate context; Jer 3:18 speaks of both the house of Judah and the house of Israel. Additionally, Crouch fails to recognize the transformation of meaning that the redactor has introduced into the pericope. The redactor has misunderstood references in context to "Israel" that designate the southern kingdom. As a result, the inserted text reframes the identity of Israel in 3:6-11 as the northern kingdom, as I have argued already. Thus, even if Crouch is correct that the book of Jeremiah does not reflect on the experience of the northern kingdom, this observation cannot control the potential interests of a later redactor, who reframes the text in a way foreign to its original intent.

Crouch's contention that "Israel" denotes the exiled population of Judah grows stronger when she makes several direct comparisons with other biblical texts. She helpfully notes that "the north" (Jer 3:12a) is never used in Jeremiah as a designation for the northern kingdom. Instead, the north is a reference to Mesopotamia, the direction from which Babylonian violence and devastation will come, to which the population will be deported, and from where they will return (cf. Jer 1:13-15; 3:18; 4:6; 6:1, 22; 10:22; 13:20; 15:12; 16:15; 23:8; 25:9; 31:8; 46:6, 10,

[45] Ibid., 600-602.

20, 24; 47:2).[46] Yet, this observation does not exclude the possibility that the Israel being addressed in 3:6-11 is viewed as being in the north as a result of their exile instead of their geographical situation north of Judah. In the traditional approach to the text, "the north" has been inserted by the redactor and contributes to the transformation of Israel's identity in context. No longer does the address to "Israel" consist in a message delivered to Judah. Now the phrase about "the north" indicates that "Israel" is in exile; the divorced wife of Yahweh now resides outside the land. Crouch also observes that texts from the exilic period refer to those deported to Babylon as "Israel."[47] For example, Ezekiel frequently calls his fellow exiles the "house of Israel" (83x), "sons of Israel" (11x), "remnant of Israel" (2x), or even simply "Israel" (3x), yet he nowhere uses the name "Israel" to refer to the northern kingdom or its inhabitants.[48] Likewise, in Isaiah 40-55, "Israel" describes the exiles more than 40 times. This evidence certainly coheres with Crouch's claim that "Israel" in Jer 3:6-11 designates the exiled population of Judah. But here again, the dispute between Crouch and those espousing the traditional view is whether the redactor's interpolation coheres with the use of terms found in the pre-existing text of Jer 2:1-4:4.

For Crouch, all of the references to Israel in chapters 2-4 are references to the population of Judah exiled to Babylon.[49] For the traditional view (with which I agree), Jer 2:1-4:4 uses the

[46] Ibid., 600, n. 22.

[47] Ibid., 602.

[48] See Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah," 139.

[49] She notes, quite accurately, that in Jer 2-20 the judgment coming on "Israel" is intertwined with announcement of doom for Jerusalem, an odd combination if Jerusalem stands outside the Israel to be judged (which would be the case were it the northern kingdom). Additionally, in Jer 30-31 the restoration of Israel merges with the restoration of

name Israel to designate the people of Judah still in their land, but this text is misunderstood by a later redactor, who inserts material in 3:6-11 that reframes Israel as the northern kingdom. In other words, most scholars, including Crouch, agree that "Israel" in Jeremiah denotes the population of Judah and have good support for this conclusion from other biblical texts. The merits of each position can only be determined based on the quality of their interpretation of Jer 3:6-11 by itself. Thus, for Crouch, the exiled people of Judah are Yahweh's favored wife, now being called to return to him (vv. 11-12). She observes:

> Though Israel's [= the exiled population of Judah] banishment may seem to be irrevocable [cf. 3:1, 5], in fact it is not!... The claim in circulation is that the exiles are like a divorced wife, sent away and not permitted to return. Such words may be readily imagined on the lips of those who have escaped deportation, allowed to remain in the land. Surely, they are the chosen people; YHWH has sent Israel away and, like a divorced wife, they will hardly be permitted to return--either to YHWH or to the land, lest they defile it. The allegory declares that this analogy is not correct. To the contrary, it is the exiles−unfaithful though they may have been, divorced though they may be−who remain in YHWH's favour. They can, and indeed will, be summoned to return, both to YHWH and to the land"[50]

Crouch's interpretation surely coheres with the historical situation of the population in exile. Yet, she fails to account for the many ways in which the redactor has utilized the surrounding material of Jer 2:1-4:4 to compose the inserted analogy in 3:6-11. The redactor, by inserting this text has reinterpreted the use of Deut 24:1-4 in Jer 3:1-5. No longer is Judah viewed as a wife whose standing is far more culpable than the divorced woman in the law. Now she appears as the not-yet divorced wife, who is sure to follow in the footsteps of her sister, Israel. By creating this text, however, the redactor leaves the impact of 3:12-18 substantially altered. These verses originally

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Zion. Thus, we see a close connection between Israel and the capital of Judah, suggesting that for Jeremiah the name "Israel" has been applied to the southern kingdom. See ibid., 603.

[50] Ibid., 607-608.

called Judah to return to Yahweh, despite her infidelity and lack of hope for restoration. But now, with the inserted material redefining "Israel" as the northern kingdom, Judah herself is not called to repent, but only her sister, Israel (3:12). The redactor, by equating divorce with exile seeks to transform the restoration offered in the original text into a return from exile instead of accepting what is instead a re-fructification of the land and blessing of its population (cf. Jer 3:3, 16 and the discussion below).

4.2 Land Defilement in Jeremiah 3:1-5

Jeremiah uses the legal precedent of Deut 24:1-4 to a striking end: it highlights Israel's hopelessness and Yahweh's power to transcend, and even reverse, the law. The people of God have proven themselves so utterly faithless that they have no reasonable hope of restoration. If a divorced and remarried woman could not return to her husband as described in Deut 24:1-4, how much less a woman like Israel who had given herself over to so many paramours. The author uses this argument from the lesser to the greater to magnify Israel's hopelessness and the legal impossibility of restoration.[51] In fact, the text of Jeremiah assumes the audience's agreement with the legal precedent, framing the ruling in 3:1 as a rhetorical question. This literary move forces the audience, who accept the legal ruling, to indict themselves.[52] The people reflect on God's faithfulness and love and ask if he will stand against them forever (3:4-5a), but their

[51] See Martin, "The Forensic Background to Jeremiah III 1," 92; McKane, *A Critical and Exegetical Commentary on Jeremiah*, 63; Samuel Hildebrandt, *Interpreting Quoted Speech in Prophetic Literature: A Study of Jeremiah 2.1-3.5*, VTSup 176 (Leiden: Brill, 2017), 182.

[52] See Shields, *Circumscribing the Prostitute*, 38, 49. See also Bergland, "Reuse of Deuteronomy 24:1-4 in Jeremiah 3:1-10," 7; Fishbane, *Biblical Interpretation in Ancient Israel*, 311.

behavior continues to betray an inner posture that inclines away from him (3:5b).[53] Dalit Rom-Shiloni helpfully notes how the words of Israel reveal the metaphors the people apply to themselves. They view themselves as intimately related to God through adoption and marriage, but the prophet turns the people's language on its head. Their claim to have familial ties to God is deeply hypocritical, so the author re-uses these tropes (especially marriage) to highlight their infidelity and faithlessness to God.[54] Israel is like a woman who has experienced a permanent sexual defilement by her adultery. The law provides no way for this stain to be removed or her marriage to be restored.

At the same time as Israel's dire situation obstructs any hopeful outlook, the text of Jer 3 highlights God's transcendence over the law, his ability to supersede legal precedent and pursue his own surprising goals. The text generates a tension between the impossibility of return and the hope of restoration rooted in repentance and divine compassion. Jeremiah invokes the legal text but imposes on it a theological development. As Michael Fishbane observes, "Israel cannot legally expect a restoration with her god, but divine grace can provide hope where it is least to be expected."[55] Reference to Deut 24:4 might suggest that just as a husband who takes back his divorced and remarried wife would defile the land, so also, Yahweh would defile the land by permitting his wayward people to return. But the text of Jeremiah fastidiously avoids this conclusion. In Jer 3:1, 7, 10, it is the faithless wife who is expected to return to God, not God

[53] See Lundbom, *Jeremiah: A Study in Ancient Hebrew Rhetoric* (Winona Lake: Eisenbrauns, 1997), 55; McKane, *A Critical and Exegetical Commentary on Jeremiah*, 61; Hildebrandt, *Interpreting Quoted Speech in Prophetic Literature*, 185.

[54] See Rom-Shiloni, "Actualization of Pentateuchal Legal Traditions in Jeremiah," 263.

[55] *Biblical Interpretation in Ancient Israel*, 310.

who reclaims her. Jeremiah handles the legal precedent in an innovate manner: repentance is the way to restoration, not the husband (God) simply taking back his adulterous wife (Jer 3:12-14, 22; 4:1-2).[56] Further, the author nowhere implies that the restoration of Israel to Yahweh would pollute the land. Instead, the people defiled God's possession by their own infidelity (2:7; 3:2, 9).[57] The hope of a restored union between God and Israel does not threaten the land's purity as a comparison with Deut 24:1-4 might suggest. Instead, the people have already defiled the land and need to experience restoration and purification through repentance and reconciliation to Yahweh.

Israel's corporate infidelity dominates the prophetic discourse in Jer 2:1-4:4, and this faithlessness to God has many dire outcomes, one of which is the defilement of the land (Jer 2:7; 3:1, 2, 9; cf. 16:18; 23:15). The main text in view in this chapter, Jer 3:1-5, makes clear that Israel has spurned God, her husband, by pursuing "many lovers" (3:1b), making herself sexually available (3:2), and relentlessly persisting in this behavior (3:3b, 5b). Yet, in these verses

[56] See Fishbane, *Biblical Interpretation in Ancient Israel,* 310. Some interpreters read Jer 3:1b as a command to return instead of a rhetorical question. The infinitive absolute *wĕšôb ʾēlay* is ambiguous in meaning, leading some to conclude that it should be read as a command: "return to me!" This interpretation can be found in many older translations of the Bible, such as the King James Version ("yet return again to me") and the original Luther Bible ("doch kom wider zu mir"). While most modern scholars read the phrase as a question ("and will you return to me?"), Nathan Mastnjak has attempted to rejuvenate the imperative approach. In his view, the infinitive absolute more frequently represents an imperative than an indicative verb. Thus, as he reads Jer 3:1 he observes that, "the movement from the legal precedent, which denies the possibility of return, to the offered repentance rests on a sudden and clear offer of repentance rather than on ambiguity." Mastnjak, *Deuteronomy and the Emergence of Textual Authority in Jeremiah*, 168. While Mastnjak rightly notes that an infinitive absolute can represent an imperative verb, he fails to observe that these infinitive absolutes are always *asyndetic* (cf. *IBHS* §35.5.1 and examples, though note that such uses of the infinitive absolute are limited in number). Note also that Jeremiah commonly uses the infinitive absolute as an indicative verb. Aaron Hornkohl identifies at least eleven cases, including this specific example. See Aaron Hornkohl, *Ancient Hebrew Periodization and the Language of the Book of Jeremiah: The Case for a Sixth-Century Date of Composition* (Leiden: Brill, 2014), §7.10. As a result, the construction *wĕšôb* in Jer 3:1 should not be construed as an imperative, but a substitute for an indicative verb.

[57] See Bergland, "Reuse of Deuteronomy 24:1-4 in Jeremiah 3:1-10," 9.

Jeremiah does not specify who Israel's lovers are. We need to look elsewhere in Jer 2:1-4:4 to learn which specific acts of faithlessness pollute the land.

The most significant behavior that pollutes Israel's territory in Jer 2:1-4:4 is the religious infidelity of the people. The prophet repeatedly excoriates his audience for giving themselves over to the pursuit of idols and Baal/the Baals. From the very beginning, as soon as Israel entered the land, they defiled it by their religious waywardness, turning it into an "abomination" (*tō'ēbâ*, a term regularly associated with land-defilement elsewhere; Jer 2:7-8). The blame here is first laid upon the leaders of the people: the priests do not inquire after Yahweh, the scribes do not know him, the rulers offend him, and the prophets speak by Baal and go after "those who do not profit."[58] Their religious laxity and turning to other gods (Baal and "those who do not profit") brought impurity on the land. The text continues to expound on and excoriate this infidelity, demonstrating how the people have exchanged Yahweh for other gods (2:10-13, 23, 26-28), engaged in brazen sexual promiscuity (2:20-21, 23-15), and thereby became unclean (2:22-23).

Likewise, the redactor who inserts 3:6-11 maintains the perspective that religious infidelity pollutes the land. The inserted text states that the northern kingdom repeatedly violated her marriage to Yahweh (3:6 "she went up every high hill and under every leafy tree and committed extra-marital intercourse [*wattiznî*] there").[59] Judah, her sister, saw all these "acts of

[58] Scholars have long discussed the precise identity of the *tōpĕśê hattôrâ* in Jer 2:8. Some suppose that they are a specific category of priests, who have some special function in preserving or otherwise handling *tôrâ* (so McKane, *A Critical and Exegetical Commentary on Jeremiah*, 32). Others identify these figures with the scribes mentioned in Jer 8:8, who say "We are wise and Yahweh's law is with us." See J. Philip Hyatt, "Torah in the Book of Jeremiah," *JBL* 60/4 (1941): 386; Holladay, *Jeremiah 1*, 88-89; Lundbom, *Jeremiah 1-20*, 261.

[59] The form *wattiznî* is quite odd since it is morphologically 2fs, but should be 3fs in context (*wattizen*, cf. 3:8). The Versions all supply a third person verb. LXX and Targ. read a 3mp form. Vulg. and Syr. read a 3fs verb. The final *yod* in this verb is typical of Aramaic 3fs verbs, but the form here cannot be deemed wholly Aramaic because the waw-consecutive imperfect does not appear in that language. See Holladay, *Jeremiah 1*, 58. Note also that the

adultery" (*kol ʾōdôt ʾăšer niʾăpâ*) and the consequent divorce, but nevertheless followed in this pattern and engaged with other sexual partners (3:8 "Treacherous Judah, her sister, did not fear, so she went and she also committed extra-marital intercourse [*wattizen*]"). As a result of her careless wandering from fidelity to God, Judah defiled the land: "Because she took her extra-marital intercourse lightly, she polluted the land (*wattaḥănēp ʾet hāʾāreṣ*), committing adultery (*wattinʾap*) with stone and tree" (3:9).[60] Yet again, the text emphasizes how God's people have polluted the land through their religious faithlessness, represented by the metaphor of sexual infidelity.[61] This redactional insertion demonstrates that even in the post-exilic period (whether Persian or Hellenistic), the writers of the Hebrew Bible continue to understand land defilement in a similar fashion to earlier writers both before and during the exile.[62] The impact of idolatry on Israel's land occupies the writer of Jer 16:18 as well: "they polluted my land (*ḥallĕlām ʾet ʾarṣî*) with the corpses of their idols (*šiqqûṣêhem*) and they filled my inheritance with their

phraseology found here regarding "every high hill and every leafy tree" is a classic example of Deuteronomic language common to Jeremiah (cf. Jer 2:20; 3:13; 17:2). See Weinfeld, *Deuteronomy and the Deuteronomic School*, 322.

[60] The text of MT reads a Qal form of *ḥnp* in Jer 3:9, but this intransitive form of the verb makes little sense with the following definite direct object marker. In order to maintain the Qal reading, we would need to eliminate this particle. Alternatively, Targ., Syr., and Vulg. read transitive forms of the verb, which may reflect an original Hiphil form of *ḥnp*. I have followed the Versions in reading the Hiphil since this form makes better sense of the passage and requires no emendation of the consonantal text of MT. Note, however, that LXX entirely lacks this verb, which may be the result of *homoioarcton*, a case of the scribe skipping from one waw-consecutive verb to the next (*wtḥnp…wtn'p*). See Lundbom, *Jeremiah 1-20*, 308.

[61] The sexual imagery applied to Israel's religious activity should not be understood as a reflex of any kind of cult prostitution. Though scholars formerly understood the sexual metaphor as a consequence of actual sexual acts taking place in Israelite religion (cf. e.g., Bracke, *Jeremiah 1-29*, 27; McKane, *A Critical and Exegetical Commentary on Jeremiah*, 63), we have no compelling evidence that cult prostitutes ever played a role in the religious institutions of ancient Israel. See my discussion of this issue in Chapter 2.

[62] For further discussion of this point, see the Chapter 6 on land defilement in Ezra-Nehemiah.

abominations (*tô'ăbôtêhem*)."[63] Religious corruption permeates the land with pollution (*ḥănuppâ*) again in Jer 23:13-15. There the prophets of Samaria make their prophesies by Baal, thereby leading the people astray (v. 13), and the prophets of Judah "commit adultery" (*nā'ôp*) along with all manner of other moral shortcomings (v. 14). Though these prophets are to be personally punished by Yahweh, their indigent religious and moral conduct also impacts the entire territory (v. 15). The authors and editors of Jeremiah conceived of the land as susceptible to profanation by Israel's religious infidelity.[64] Though the offenses are religious in nature, they have been repeatedly conceptualized and narrated through the metaphor of marriage and human sexuality.[65]

These texts outside Jer 3:1-5 illuminate the significance of the marriage metaphor and allusion to Deut 24:1-4. The text of Jer 3:1-5 excoriates Israel for her infidelity to Yahweh (3:1-3). Israel has "committed extra-marital intercourse with many lovers" (3:1), she has been "laid" (*šugalt*) by others (3:2), she sat in wait for romantic partners (3:2), she polluted the land with her

[63] Note the close correspondence of terms describing idols in this text and the land-defilement texts in Ezekiel. See my discussion in Chapter 4.

[64] Note the interesting argument of Dalit Rom-Shiloni that Jer 2:23-25 alludes to the ritual of the suspected adulteress in Num 5:11-31. She observes three cues in the text that mark the allusion to this Pentateuchal regulation concerning marital fidelity: 1) the phrase "how can you say, 'I am not defiled (*lō' niṭmē'tî*)'?" (Jer 2:23) employs the rare Niphal of *ṭm'*, a verbal form that appears nine times in Num 5:11-31; 2) Just as the wife in Numbers is suspected of "going astray" (*śṭh*), Jeremiah presents the wife, Israel, as going astray using animal imagery (2:23b-24) and various references to "walking" and "paths" (2:23, 25); 3) Jeremiah 2:22 reflects the woman's burden of sin (Num 5:31) through the new metaphor of sin as a stain that needs to be cleansed. See Rom-Shiloni, "'How can you say, "I am not defiled…"' (Jeremiah 2:20-25): Allusions to Priestly Legal Traditions in the Poetry of Jeremiah," *JBL* 133/4 (2014): 769-771.

[65] Another major offense for which the prophet condemns the people is their political alliances with foreign nations, specifically, with Egypt (2:14-19, 36-37). In this text, however, such offenses are not conceptualized as a form of marital infidelity to Yahweh, nor are they directly connected to the defilement of the land. As a result, while political alliances were obviously a major concern to the authors of Jeremiah, I do not discuss them here in relation to the defilement of the land.

"wicked extra-marital intercourse" (3:2), and she has "the forehead of whore" (3:3).[66] While Israel's infidelity to Yahweh emerges quite clearly in these verses, the texts from elsewhere in the broader prophetic discourse illuminate exactly how the people have been faithless to their God. Sexual promiscuity stands as a metaphor for non-allegiance to Yahweh.[67] By framing Israel's disloyalty as a matter of sexual fidelity, the author binds this misbehavior more tightly to other land-defiling offenses. The land is defiled in Jer 2:1-4:4 by offenses that fit well within the paradigm seen elsewhere in the Hebrew Bible. We have seen already how religious offenses can defile Israel's territory (Lev 18:21; 20:2-5; cf. Ezek 36:17-18). Likewise, the writers of the Hebrew Bible warn that sexual misdeeds are a potent pollutant that endangers the land (cf. Lev 18:6-20, 22-23; 19:29; 20:10-21; Deut 24:1-4). Here in Jeremiah, the two concepts are merged. It is as though the writers of the book acknowledge the various approaches to land defilement reflected in these other texts and combine them into one sexual-religious metaphor. Religious infidelity is a kind of transgression these ancient scribes consider equally as defiling and repulsive (if not more so!) to any sexual offense conceived of in purely bodily and legal terms.[68] Such apostate behavior evokes this dramatic response because it poses such a great threat to social cohesion and cultural normativity. Faithlessness to Yahweh endangers the ties that bind

[66] The phrase *biznûtayik ûbĕrā'ātēk* (Jer 3:2) is a hendiadys, thus not "your extra-marital intercourse *and* your evil deeds," but "your evil/vile extra-marital intercourse." See Lundbom, *Jeremiah 1-20*, 302; McKane, *A Critical and Exegetical Commentary on Jeremiah*, 60.

[67] Shields, *Circumscribing the Prostitute*, 55.

[68] See Holladay, *Jeremiah 1*, 88, who contends similarly that Jeremiah "considers the present situation to be a parade example of Lev 18:19-30; though the gross crimes of Leviticus may not have been evident, the situation is as gross in Yahweh's eyes as if these crimes were committed daily."

the people of Israel to one another in terms of their (perceived) heritage, their religious practice, and their legal procedure.

At this point, it becomes difficult to disentangle the possible sources of Jeremiah's theory of land defilement. Clearly, the allusion to Deut 24:1-4 betrays a dependence on Deuteronomic sources. But the authors' attention to religious infidelity and sexual misdeeds also resonates with strong overtones of land defilement found in the priestly literature.[69] More pointedly in this regard, Jer 3:1-2 use the verb *ḥnp* for Israel's pollution of the land, a term that appears elsewhere in priestly (but not Deuteronomic) land-defilement texts (Num 35:33-34; cf. Ps 106:38).[70] In commenting on this verb, Dalit Rom-Shiloni observes:

> In using *hanaf* Jeremiah transforms and expands the Deuteronomic law of divorce by adding an allusion to Priestly legal phraseology and terminology, as it appears in Numbers 35:33-34.… Jeremiah uses *hanaf* five times out of the total eleven occurrences in the whole Bible. In three instances, the verb designates the pollution of the land as the consequence of idolatry metaphorized as adultery (Jer 3:1, 2, and 9); at Jer 23:11, prophet and priest *hanefu* (23:11), and as a result '*hanuppah* has gone forth to the whole land' (23:15). In all these, emphasis is given to sexual misconduct as resulting in pollution of the land (see 3:1-5, 6-10; 23:10-11, 13-15). Hence, it seems that Jeremiah borrows the Priestly terminology, and presumably knows the Holiness Codes' (sic.) conception of the land as well, but that he is not constrained by those Priestly legal contexts in which the phrase 'pollute the land' occurs. Rather the prophet appropriates this phraseology to enhance the description of the God-people relationship in the framework of the marital metaphor.[71]

[69] For an extensive discussion of Jeremiah's dependence on priestly legal traditions, see Rom-Shiloni, "Allusions to Priestly Legal Traditions in the Poetry of Jeremiah."

[70] Note that Jer 3:9 also uses the verb *ḥnp* to describe the act of defiling the land. Yet, because this verse falls in a late redactional insertion to the text, it should not be considered as evidence either for or against dependence on priestly literature in Jer 2:1-4:4. The verb *ḥnp* in Jer 3:9 could just as easily be borrowed from the surrounding text (Jer 3:1) as from any priestly source.

[71] Rom-Shiloni, "Actualization of Pentateuchal Legal Traditions in Jeremiah," 265-266.

In the view of those who see a dependence on priestly literature, by using *ḥnp* instead of the Hiphil of *ḥṭ'* from Deut 24:1-4, the author transforms the source text by adapting the morally focused terminology of "sin" (*ḥṭ'*) to a greater focus on ritual and "pollution" (*ḥnp*).[72] These arguments helpfully highlight the surprising use of *ḥnp* in Jeremiah, but they ultimately fall short of proving entirely compelling. Rom-Shiloni and Mastnjak make too much of the verb *ḥnp* since it appears in only one priestly text concerned with land defilement (Num 35:33-34). In fact, their argument is further weakened by the appearance of *ḥnp* in a land-defilement text entirely outside the priestly material (Ps 106:38). While the verb certainly resonates with priestly conceptions of land-defilement found in Num 35, it cannot entirely bear the weight of forming an allusive bridge to the priestly literature. Jeremiah's concerns with sexual propriety, as found in Lev 18-20, and the use of *ḥnp*, as in Num 35, certainly resonate with priestly material, but these two features of the text fall short of providing sufficient evidence for an allusion. Ultimately, prying apart the sources of Jeremiah's legal background and allusions extends beyond the scope of this dissertation, but the material describing the defilement of the land in chapters 2-4 highlights the difficulty and promise of such work.

Israel's religious infidelity brings dangerous pollution upon her land, and this ritual/ideological stain yields dramatic and dangerous outcomes. Polluting the land directly impacts the seasonal cycles, preventing the much-needed rains from coming. Jeremiah observes, "You polluted the land by your vile extra-marital intercourse. Thus, the showers have been

[72] See Mastnjak, *Deuteronomy and the Emergence of Textual Authority in Jeremiah*, 166-167.

restrained and the spring rain has not come" (3:2b-3a).[73] If the people were completely blind to their infidelity to Yahweh, at least the withholding of the regular cycles of rain, necessary for Israel's agricultural life, should have directed them to some serious introspection.[74] The withholding of rain is a particularly ironic consequence for religious waywardness. The people turned aside from Yahweh to worship deities who promised prosperity and productivity, but the authors of Jeremiah would have us see that the outcome was entirely opposite what they expected. To worship these other gods spelled not fruitfulness but famine.[75] When Israel's land becomes unclean, the stain of impurity directly impedes the land's agricultural potential.[76]

When the redactor of Jer 3:6-11 approaches the text, he makes explicit another consequence of land-defilement not found in the earlier text of Jer 2:1-4:4: exile. The author of this inserted paragraph demonstrates that Israel, the northern kingdom, went after other gods, did not repent of her waywardness, and was sent away in divorce (= exile). The analogy of the two sisters in Jer 3:6-11 implies that Judah can expect the same fate as her northern sister. Because she has "polluted the land, committing adultery with stone and tree" (3:10), she can expect that she too will be divorced by Yahweh, cast out of his "home" and banished in exile. Of course, this consequence for land defilement has appeared already in the priestly material (and will appear in Chapter 5 on Ezekiel). Leviticus 18:24-28 demonstrates that if God's people persist in land-defiling behavior, they risk causing the land to vomit them out for their repulsive behavior just as

[73] A sequence of *wayyiqtol* verbs may indicate a logical succession as here. Cf. *IBHS* §33.2.1.

[74] See McKane, *A Critical and Exegetical Commentary on Jeremiah*, 63.

[75] See Lundbom, *Jeremiah 1-20*, 302.

[76] See the section on Deut 21:1-9 in chapter 3 for additional discussion of the relationship between land defilement and economic vitality in the Hebrew Bible.

it vomited out the people of the land before them. If they do not properly restrict and/or punish the sexual misdeeds registered in this chapter, the legislator concludes that Israel can expect to be violently cast out of the land. Likewise, in Ezek 36:17-20, the people defile the land with their idols. As a result, Yahweh scatters them among the nations in exile. In this latter case, the prophet Ezekiel agrees with the redactor of Jeremiah that idolatry could cause the people of Judah to be forcibly removed from their homes in exile.[77]

Not only does land defilement bring about adverse effects on the people of Judah as described in Jer 2:1-4:4, but the authors of this passage intend for it to elicit an emotional response from the implied audience. Israel's infidelity to Yahweh should bring about in the audience a visceral response of revulsion. Just as other biblical authors associate disgust with land-defiling behavior, so the composers of Jeremiah attempt to curb what they see as socially destructive behavior by using affective rhetoric. Several features of the text make the connection between religious infidelity and disgust concrete. First, the text describes Israel as a "whore" (*'iššâ zônâ*) who refuses to be ashamed of her behavior (Jer 3:3). She ought to be appalled by her infidelity to Yahweh, but Israel experiences no shame. Nevertheless, the author implicitly calls on the audience to feel shame for her. They are to be embarrassed by Israel's (their own) behavior, but also further humiliated because Israel refuses to repent and express any remorse over her misdeeds. The redactor of 3:6-11 echoes this same sentiment and association of shame with the root *znh*, "to have extra-marital intercourse." Verbal and nominal forms of this root

[77] I am not arguing here that Ezekiel directly depends on Jeremiah for these ideas (or vice versa), but that the two prophetic books share a similar range of conceptions. The idea that land-defilement resulted in exile appears to be shared among various biblical authors. This being said, scholars have recently begun to notice the likelihood of intertextual allusions between Jeremiah and Ezekiel, so such a possibility cannot be ruled out here *a priori*. See e.g., Dalit Rom-Shiloni, "Ezekiel and Jeremiah: What Might Stand Behind the Silence?" *HeBAI* 1 (2012): 203-230.

appear repeatedly in 3:6-11 (3:6, 8, 9), but most pointedly, the author indicates the shamefulness of this behavior in 3:9, when he writes that Judah "took her extra-marital intercourse lightly" (*wĕhāyâ miqqōl zĕnûtāh*). The author implies that infidelity should have been a weighty matter, but Judah brazenly treats it as something trivial. Her shameless behavior ought to conjure up revulsion in the implied audience. With the author, they are meant to see such sexual license as reprehensible.

Second, when the writer describes Israel's infidelity, he uses the verb *šgl* (G Passive), which I translated, "to get laid," in order to convey the crass sexual nature of the term. This verb appears four times in the Hebrew Bible, but in every case, the Masoretes chose not to read the written text and instead pronounced the verb *škb*, "to lie with (sexually)."[78] Apparently, they considered *šgl* an offensive term, too vulgar to be pronounced in the public reading of Scripture. The Versions associate this verb with defilement. LXX reads *exephyrthēs*, "you have been contaminated/defiled," and Syr. translates, "you have defiled yourself." Modern scholars have struggled to precisely determine the etymology and meaning of *šgl*, offering numerous different approaches to the verb. Solomon Mandelkern suggests that *šgl* is the cognate of Arabic *škl*, "to entwine, mix." The Hebrew *šgl* then refers to the sexual intertwining of a naked couple.[79] Yet, any reference to sexual intimacy in the Hebrew Bible would imply the close physical contact Mandelkern suggests, but those other descriptions are not systematically avoided by the Masoretes. It would seem the offense of *šgl* lies elsewhere.[80] Rather differently, Samuel Feigin

[78] For further details, cf. n. 6 above.

[79] See Mandelkern, *Veteris Testamenti, Concordantiae Hebraicae Atque Chaldaicae* (Tel Aviv: Schocken, 1967), 1149.

[80] Before Mandelkern, Paul Haupt suggested that *šgl* means, "to deposit semen," cognate with Arabic *sajala*, "to pour" and having as its implied object something like the Arabic *ma'u dakarin*, "water of a male (=semen)." This

tried to connect *šgl* with *šgr*, "womb," noting that *l/r* interchanges are not uncommon in biblical Hebrew.[81] From this meaning, "womb," Feigin concludes that the verb denotes access to the womb, but then he makes a semantic leap from this conclusion to suggest that the verb means, "rape."[82] While a translation, "rape," does fit the various contexts in which *šgl* appears and would explain its problematic nature, it seems unlikely that a denominative verb from *šgr*, "womb," would come to denote sexual violence. Aron Pinker has offered a more recent and creative account of *šgl* in which he argues that the verb denotes anal intercourse. He claims, "Because the act was unnatural, painful, and performed at the anus, it was obviously so obscene that it merited a euphemism."[83] Pinker notes the link between *šgl* and *znh* in Jer 3:2, thus concluding that the verb is some kind of sexual term. Connecting *šgl* with anal sexual activity in this manner seems unconvincing. The term *znh* appears in all manner of biblical contexts, where it denotes sexual activity, but never specifically describes sexual activity associated with the anus. Yet, Pinker offers more evidence when he observes that the Masoretes consistently avoid public pronunciation of terms having to do with the anus with each of the following Ketiv readings being replaced by euphemisms in the Qere: 1) *'plym*/*'ply* "hemorrhoids/anal tumors" (Deut 28:27; 1 Sam 5-6); 2) *ḥryywnym* "(dove's) dung" (2 Kgs 6:25); 3) *ḥryhm*/*ḥr'yhm* "dung,

cognate, while doubtless creative, demands too much implicit information to prove compelling. See Haupt, *The Book of Nahum: A New Metrical Translation with an Introduction, Restoration of the Hebrew Text and Explanatory Critical Notes* (Baltimore: Johns Hopkins University Press, 1907), 46.

[81] Consider the examples of *ḥlṣ/ḥrṣ, šlšlt/šršrt, nšr/nšl, ḥbl,ḥbr, yt'lm/yt'rm*. See Feigin, "Etymological Notes," *AJSL* 43 (1926): 47-48.

[82] Note that some texts using *šgl* do seem to imply a sense of violence in the sexual act: Isa 13:16, "their houses will be plundered, and their wives *violated* (*tiššāgalnâ*)"; Zech 14:2, "I will gather all the nations to Jerusalem for battle; the city shall be seized, the houses plundered, and the women *violated* (*tiššāgalnâ*)."

[83] Aron Pinker, "On the Meaning of *šgl*," *JSIJ* 8 (2009): 174.

excrement" (2 Kgs 18:27; Isa 36:12); 4) *šynyhm* "urine" (2 Kgs 18:27; Isa 36:12); *lmḥr'wt*, "latrine" (2 Kgs 10:27).[84] While interesting, Pinker's arguments remain tendentious without enough specific cognate and contextual support for the meaning "to have anal intercourse."[85] All we can safely say based on the use of the verb and (lack of) cognate evidence is that *šgl* denotes some kind of sexual activity considered vulgar and offensive by the Masoretes. This censorship may or may not have been due to the specific activity designated by *šgl*. As we know from modern American media censorship, terms designating the same activity may or may not be censored. So, we end up with media commonly censoring "fuck," but allowing such language as "make love," "sleep with," or even "have intercourse." Censorship of *šgl*, then, may not be related to a distinct meaning of this term (some kind of inherently offensive sexual act), but rather to the offensive way of describing it, making *šgl* the near equivalent of "fuck" in contemporary English.

A third feature of this text that calls its audience to view Israel's behavior as repulsive is the repeated use of shame language found in Jer 2:22-25. In these verses, Israel has stained herself by her guilt and cannot wash herself clean (2:22). Her reckless pursuit of the Baals and

[84] Pinker contends that *šynyhm* should not be rendered by the traditional "urine" because the Qere reads this Ketib with two distinct words: *mymy rglyhm* "waters of their feet." In Pinker's view, *šynyhm* should correspond specifically to *rglyhm*. Instead, he follows Rashi, who contends that *šynyhm* denotes a "soft and watery excrement" which seems to him more unmentionable than urine, which is elsewhere left untouched by the Masoretes (cf. *mštyn* "urinating," which appears at 1 Sam 25:22, 34; 1 Kgs 14:10; 16:11; 21:21; 2 Kgs 9:8). See Pinker, "Meaning of *šgl*," 177-178.

[85] Note that *HALOT* suggests the most likely cognate for *šgl* is Akkadian *šagālu*, "to confiscate, seize" (*HALOT*, s.v. שגל). But this Akkadian term seems a problematic cognate, not least because the definition of the term is uncertain in both of the dictionaries and appears only in Old Babylonian texts (cf. CAD, Š/1, s.v. *šagālu*; AHw, 1125).

illegitimate worship has defiled her (2:23).[86] In fact, Israel's behavior is so unrestrained that the author compares her to a wild, reckless animal in heat, chasing after sexual partners (2:23b-24). Israel inadvertently condemns herself in these verses because she cannot control her own sexual behavior. In 2:23 she claims that she is clean and has not gone after other lovers, but by the time we reach 2:25 her pretense collapses. Israel admits her helpless need to go after her paramours. Thus, the author repeatedly confronts the audience with a picture of sexual license that should invoke revulsion in them. And through this affective response, the people should become disgusted with their own religious infidelity and turn back to Yahweh.

Yet, for all the negative attention the prophet devotes to Israel's land-defiling behavior in Jer 2:1-4:4, he sets before the people hope of restoration: God invites Israel to repentance. The allusion to Deut 24:1-4 implies that Israel has foregone all hope of being reunited to God, her husband. But God sends his people a surprising message. For all their infidelity, God calls on them to turn away from rebellion and toward him. The authors of Jer 2:1-4:4 artfully use the verb *šûb*, "turn, return, repent," to describe Israel's rebellion and her hope of return to Yahweh.[87] Initially, *šûb* denotes the troublesome side of Israel's situation. The text describes how Israel cannot be restrained (*yĕšîbennâ*) from her relentless pursuit of other lovers (2:24). She even dares to claim that Yahweh has turned away his anger (*šāb 'appô*) despite her failure to repent of her misdeeds (2:35). As a result of Israel's infidelity, she cannot expect God to turn back to her (*hăyāšûb 'ēlêhā*) or to allow her to return to him (*wĕšôb 'ēlay*; 3:1). To this point in the passage,

[86] The reference in 2:23 to "your way in the valley" most likely describes the offerings *lmlk* offered up in the Valley of Ben Hinnom, mentioned elsewhere in Jeremiah (7:31-32; 19:4-6; 32:35) and discussed more fully in my section on Lev 18 and 20 in Chapter 2.

[87] The most detailed discussion of the verb *šûb* in Jeremiah still remains that of William Holladay, *The Root Šūbh in the Old Testament: With Particular Reference to Its Usages in Covenantal Contexts* (Leiden: Brill, 1959).

the verb *šûb* bears only a negative sense, highlighting Israel's dire situation. But then God surprises his people in 3:12: "Return/Repent (*šûbâ*), faithless Israel, declares Yahweh, I will not look on you in anger, for I am kind; I will not be angry forever." God supersedes the law of Deut 24:1-4, calling back his wife who could not be restored to him under law. Repeatedly, God calls on his people to return/repent that he might restore them and bless them (3:14, 22). The pericope then closes with one final call describing how Israel's return is to involve a heartfelt loyalty to him, a life of integrity (4:1-4). If the people truly return/repent, then they can expect divine judgment to be averted and an escape from their calamity.

By attending to repentance in this way, the authors of Jer 2:1-4:4 imply that Israel's land-defiling behavior and its consequences can be averted. While the text nowhere explicitly states that the land will be purified or recover from the stains imposed on it by Israel, the consequences of land defilement are reversed: the people multiply in a fruitful land, no longer cursed by the rains being withheld (3:16) and the promised divine judgment and exile is averted (3:14, 17, 18; 4:4). As elsewhere in the Hebrew Bible, the authors of this text use land defilement as one piece of their case for social change. The threat of defiling Yahweh's "heritage" (Jer 2:7) looms large over the people. But if they repent and turn back to God, the people can expect to be freed from fearful judgment and to enjoy a prosperous life in the land. What they once defiled would become their fitting home, the place where God's people could dwell with him in peace and prosperity.

4.3 Conclusion

The treatment of land defilement in Jer 3:1-5 and its surrounding context both resonates with and develops themes that have appeared in the preceding chapters. In dependence on the legal precedent of Deut 24:1-4, the editors of Jeremiah portray Israel as a faithless wife, sexually licentious and unfaithful to her loving husband, Yahweh. Despite his extraordinary care for her, Israel continues to stray after other lovers and thereby defile her land. The author pointedly employs a sexual metaphor for Israel's apostasy, thereby drawing on conceptions of land-defilement through sexual immorality such as those seen in other texts. The consequences for such polluting behavior are dire. Israel, thinking to increase her prosperity by extending her religious affections beyond Yahweh, actually turns her land into a waste. The rains are withheld and any hoped-for productivity is unrealized. The redactor who supplements the text with 3:6-11 adds another familiar consequence of land-defilement. The example of the northern kingdom should instruct Judah that faithlessness to Yahweh results in exile from the land. There can be no expectation of continued tenure in a polluted territory. All these warnings and exhortations to the people are given additional force through the vehicle of disgust, a tool now quite familiar in such texts. Israel's conduct is described in graphically sexual terms (so graphic that the Masoretes chose not to pronounce it) that portray her as utterly reprehensible in the editors' view. Apostasy is not just a matter of theological reflection, but a pressing issue for the people's future. Should their emotional response to such wayward behavior not accord with the editor's, the people would risk destroying themselves. So, the editors employ this offensive language to shape the emotions of their listeners. Yet, despite the dire situation that land-defilement brings upon his people, Yahweh stands prepared to accept them again. The legal precedent of Deut 24:1-4 used in this text might incline the readers to think that restoration is out of the question. But, the prophetic writers emphatically state that God stands ready to welcome back his wayward bride,

if only she will repent. Her land may be unclean and tainted by her misdeeds, but God is prepared to cleanse what was stained and restore what was lost.

Chapter Five

"They Defiled Their Land by Their Way and Their Deeds, Like the Defilement of Menstruation"
The Defilement of the Land in Ezekiel

Ezekiel, the priestly prophet, unsurprisingly comments on the defilement of the land in his critique of Judah's conduct leading up to the exile and destruction of Jerusalem. Perhaps more surprising is the fact that Ezekiel addresses the subject so infrequently.[1] In only one text

[1] Scholarly perspectives about the authorship of Ezekiel differ dramatically. Daniel Block takes a decidedly conservative position. He follows the book's identification of its author as Ezekiel, son of Buzi (Ezek 1:3). He attributes nearly the entire book to the prophet, including chapters 38-48, which are regularly considered late additions to the book. See Daniel Block, *The Book of Ezekiel*, NICOT (Grand Rapids: Eerdmans, 1997-1998), I:9-12, II:426-430, 494-506. Cf. also Moshe Greenberg, *Ezekiel 1-20: A New Translation with Introduction and Commentary*, AB 22 (Garden City: Doubleday, 1983), 15-17.

A majority of scholars would attribute the core of Ezekiel 1-37 to the historical prophet, whose work was further supplemented by later redactors (sometimes described as an "Ezekiel school"). The status of chapters 38-39 (the vision of Gog and Magog) and 40-48 (the vision of the restored temple and land) is less clear. Some would attribute the core of these chapters to the prophet himself, but note that redactional seams betray the hand of later editing and supplementation. Others would contend that chapters 38-48 were added entirely by editors after Ezekiel. See e.g., Stephen L. Cook, *Ezekiel 38-48: A New Translation with Introduction and Commentary*, AB 22B (New Haven: Yale University Press, 2018), 8-12; Walther Zimmerli, *Ezekiel: A Commentary on the Book of the Prophet Ezekiel*, trans. Ronald E. Clements (Philadelphia: Fortress, 1979), 68-74; Paul M. Joyce, *Ezekiel: A Commentary.* New York: T & T Clark, 2007), 7-16; Ronald Clements, *Ezekiel* (Louisville: Westminster John Knox, 1996), 6; William A. Tooman, *Gog of Magog: Reuse of Scripture and Compositional Technique in Ezekiel 38-39*, FAT 2/52 (Tübingen: Mohr Siebeck, 2011).

Some scholars take a more radical approach to the authorship of Ezekiel, suggesting that the prophetic figure is a mere literary creation. To give just one example, according to Matthijs de Jong, there was no prophet Ezekiel who produced the oracles found in the book. Instead, de Jong states, "The figure of Ezekiel in the book is a literary-theological construct. The narrative, starting six years before the fall of Jerusalem in chapter 1, and leading to it in chapter 33, takes the form of a prediction of something that has already happened, with the intent that the exposition of Israel's future in chapters 34-48 becomes all the more reliable." "Ezekiel as a Literary Figure and the Quest for the Historical Prophet," in *The Book of Ezekiel and Its Influence*, edd. Henk Jan de Jonge and Johannes Tromp (Hampshire: Ashgate, 2007), 14-15).

For an insightful critique of literary- and redaction-critical methodologies as applied to prophetic literature, see Dalit Rom-Shiloni, "From Prophetic Words to Prophetic Literature: Challenging Paradigms That Control Our Academic Thought on Jeremiah and Ezekiel," *JBL* 138/3 (2019): 565-586.

For the purposes of this chapter, determining the historical author of each pericope is not essential. As a result, I use the name "Ezekiel" not to indicate that a particular passage was necessarily composed by the prophet, but simply as a convention following the pattern of the book of Ezekiel itself.

does Ezekiel explicitly address the defilement of the land (Ezek 36:16-38). Nevertheless, this text shows clear dependence on the conception of land-defilement found in earlier priestly material. Ezekiel contends that Israel defiled the land through their bloodshed and idolatry, which coheres with the concerns of the authors of Num 35, Lev 18, and 20. Yet, Ezekiel develops the Pentateuchal priestly conception of land defilement. For Ezekiel, the land has already been defiled by Judah's illicit behavior and can be purified only through direct divine intervention. While legal enforcement may have sufficed to stave off pervasive pollution in the view of the Pentateuchal writers, Ezekiel no longer entertains this possibility. Only Yahweh can cleanse the land his people have completely defiled.

Ezekiel diverges from any text treated thus far in his vision of the destruction Gog's army (Ezek 39:11-16). The corpses of Gog's horde defile the land and must be properly buried in order to cleanse it. In this case, the land has become defiled through no illegal/immoral behavior, but much more closely reflects the "ritual impurity" found in Lev 12-15 and Num 19. Despite the fact that this text lies outside the broad scope of land-defilement texts found elsewhere in the Hebrew Bible, Ezekiel connects the passage to these other texts by means of literary allusion.

In Ezek 47:1-12 we arrive at another important passage for Ezekiel's theology of land-defilement. Here, Ezekiel makes no explicit mention of the land's defilement. Nevertheless, his vision of a miraculous river flowing from the temple serves as Ezekiel's solution to the land's defilement. The direct divine intervention raised in Ezek 36:16-38 appears in the concrete form of a purifying, fructifying river in Ezek 47:1-12. The Edenic overtones of this passage demonstrate Ezekiel's hope that the restoration of Israel's land would result in a blessed existence far beyond what had ever been enjoyed in Canaan. Yahweh's overflowing holiness would one day cleanse his land and produce abundant life for his people.

5.1 Ezekiel 36:16-38

The book of Ezekiel treats the defilement of the land explicitly only in 36:17-18:

> Son of man, as for the house of Israel, while they were dwelling on their land, they defiled it (*wayĕṭammĕ'û*) with their way and with their deeds. Their way before me was like the defilement of menstruation (*kĕṭum'at hanniddâ*). So I poured out my wrath on them on account of the blood (*haddām*) that they shed on the land and in exchange for their idols (*ûbĕgillûlêhem*) with which they defiled it (*ṭimmĕ'ûhā*).

These two verses head off a much larger divine speech describing God's judgment and future restoration of the house of Israel (36:16-38). According to one commentator, the defilement of the land is the "fundamental issue" of the larger divine speech found in 36:16-38.[2] Because Israel defiled the land, God punished them with exile. But, God's judgment had an unintended consequence: the profanation of his name. Israel's defeat and exile from the land brought shame on her God (36:20). As a result, he promises to restore Israel, not for her own sake, but for the sake of vindicating his own name (36:21-38).

While Ezek 36:16-38 makes only brief mention of the land's defilement, these verses demonstrate a clear relationship to priestly treatments of the subject in the Pentateuch. Ezekiel reiterates numerous themes found in Leviticus and Numbers (such as the defiling force of bloodshed, the association with disgust, and the result of exile), while also developing some of them for his own situation and audience. To better understand Ezekiel's conception of the defilement of the land, I first examine what types of offenses the prophet sees as defiling. By identifying bloodshed and idolatry as land-defiling sins, Ezekiel both reiterates earlier priestly tradition and adds to it. Additionally, when Ezekiel identifies bloodshed and idolatry as land-

[2] Block, *Ezekiel*, II:344.

defiling sins, he reveals the fact that defilement of the land may also be a significant (though implicit) concern throughout the early parts of the book of Ezekiel. In numerous texts, the prophet conjoins these two offenses (sometimes adding sexual sin) when he condemns the people of Israel. After exploring how the land could be defiled, I demonstrate how Ezekiel's use of the metaphor of menstruation fits into his argument. Here, Ezekiel taps into the idea of disgust found earlier in Lev 18 and 20. Finally, I examine the consequences and remedy of Israel's defilement of the land. Ezekiel largely reiterates the priestly focus on exile as the result of defiling Israel's land. Yet, when he explains the remedy for Israel's polluted land, Ezekiel moves well beyond anything seen in other priestly texts. For this prophet, direct divine intervention alone can restore the land. But, before examining the defilement of the land in Ezekiel 36:16-38, it proves necessary to deal with some significant text-critical issues in this pericope.

5.1.1 Text-Critical Issues

Determining the original text of Ezek 36:16-38 is no simple matter. While most witnesses generally reiterate the text of MT, two important manuscripts attest a substantially different text. Papyrus 967 is the oldest extant manuscript of the pre-hexaplaric Septuagint of Ezekiel, dating to the second or early third century CE. This Greek manuscript lacks all the material found in MT Ezek 36:23bβ-38.[3] The same material is also absent from the sixth century Old Latin Codex Wirceburgensis. Importantly, Codex Wirceburgensis does not appear to be based on p. 967 (or a

[3] Note also that p. 967 presents Ezekiel 36-39 in a different sequence than MT. The sequence proceeds as follows: 36:1-23bα; 38-39; 37.

similar text) as its Vorlage.[4] Thus, we have two independent manuscripts attesting a significantly shorter form of Ezekiel 36. Scholars have analyzed the dramatic difference between MT and p. 967/Codex Wirceburgensis in several ways.

Initially, scholars argued that the minus in p. 967 was the result of scribal *parablepsis*. More specifically, the omitted text can be explained as a case of *homoioteleuton*. Ezekiel 36:23bα concludes in LXX with the words *kai gnōsontai ta ethne hoti egō eimi kyrios*. Similarly, Ezek 36:38 ends with *kai gnōsontai hoti egō kyrios*. Presumably, the scribe's eye slipped from the phrase in 36:23bα to the end of 36:38.[5] That the scribe could have made such an error appears initially plausible because p. 967 contains many examples of *parablepsis*.[6] Nevertheless, there are significant reasons for rejecting this theory. First, the amount of text apparently omitted by the scribe is simply too large: 1451 letters. The next largest case of *parablepsis* in p. 967 is 266 letters long (12:26-28), which still proves far larger than the average length of about 20 characters.[7] Additionally, it would be quite surprising for a scribe to leave out the theologically rich material found in Ezek 36:23bβ-38 if in fact these verses were part of his *Vorlage*. That Codex Wirceburgensis omits the same verses without itself being dependent on p. 967 demonstrates that the omission cannot simply be traced back to the scribe's tendency to

[4] John Lust observes that Codex Wirceburgensis does not depend on p. 967 because it does not reflect the very common examples of *parablepsis* found throughout the Greek papyrus. "Ezekiel 36-40 in the Oldest Greek Manuscript," *CBQ* 43 (1981): 518.

[5] For one example of this approach to the minus in p. 967 see F. V. Filson, "The Omission of Ezek. 12:26-28 and 36:23b-38 in Codex 967," *JBL* 62/1 (1943): 31.

[6] Ibid., 31; Lust, "Ezekiel 36-40 in the Oldest Greek Manuscript," 519.

[7] See Lust, ibid., 520.

parablepsis. As a result, most scholars have abandoned this approach and sought out new ways to understand the relationship between MT and p. 967.

Some scholars contend that p. 967 preserves only an anomaly in the textual history of LXX; the shorter text is not superior to MT. Daniel Block, in his commentary on Ezekiel, offers the most extensive argument in favor of MT's priority. He gives seven reasons for favoring MT, the first five of which are presented and analyzed here. Along with Block's arguments I present rebuttals from the perspective of scholars who view p. 967 as representing an earlier form of the Hebrew text:[8] 1) "The appearance of the recognition formula within an oracle rather than at the end is not uncommon in Ezekiel."[9] Block argues that the phrase "and the nations shall know that I am Yahweh" in 36:23bα does not necessarily mark the end of the oracle. In several places, this formula appears in the middle of an oracle (cf. 28:22; 35:12; 37:13; 38:23; 39:28), so it should not be used as a criterion to argue that 36:23bβ-38 was added by a later scribe. But, Block overlooks some important evidence in favor of viewing p. 967 as more original. Ashley Crane observes that Ezek 36:23b is the only place in Ezekiel where both the recognition formula and the phrase *nĕ'um 'ădōnāy yhwh* ("declares the Lord Yahweh") appear in sequence in the middle of a verse. In his view, this combination of formulae actually marks the seam between the original ending of the pericope (*wĕyādĕ'û haggôyîm kî 'ănî yhwh*) and the editorial link to the later addition found in 36:23c-38 (*nĕ'um 'ădōnāy yhwh*).[10]

[8] I do not present Block's sixth and seventh arguments because they concern the broader (re-)arrangement of the text of Ezekiel 36-40. See *Ezekiel*, II:341-342.

[9] Block, *Ezekiel*, II:340.

[10] Ashley S. Crane, *Israel's Restoration: A Textual-Comparative Exploration of Ezekiel 36-39*, VTSup 122 (Leiden: Brill, 2008), 237.

2) "The distinctive style in this section may be attributed to the special content and need not argue against Ezekielian authorship."[11] Here, Block is responding to the observation that the plus material in MT and LXX is characterized by a different literary style than the surrounding passage. MT Ezek 36:23bβ-38 manifests numerous *hapax legomena* and draws heavily from other passages in Ezekiel and Jeremiah.[12] The same text in LXX shows a markedly different quality of translation than that found in the rest of Ezekiel, showing a style more characteristic of Theodotion.[13] Block's response ignores the different style of 36:23bβ-38 found in LXX and attributes the stylistic change in MT to "exalted literary style."[14] While these verses surely are "lofty," Crane rebuts Block's argument by observing that no other oracle displays the same literary style, even though many of those passages are equally significant.[15] It appears much more plausible to suggest that the shift in literary style surreptitiously reveals the work of a secondary scribe.

3) Block contends that "the LXX evidence is not conclusive."[16] In part, he bases this argument on the supposition that a page or two fell out of the original codex. But, this argument depends on the unlikely premise that the pericope fit precisely onto one leaf of a codex.[17]

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[11] Block, *Ezekiel*, II: 340. See also Moshe Greenberg, *Ezekiel 21-37: A New Translation with Introduction and Commentary*, AB 22A (New York: Doubleday, 1997), 739.

[12] See Lust, "Ezekiel 36-40 in the Oldest Greek Manuscript," 521-524.

[13] See ibid., 521.

[14] Block, *Ezekiel*, II:340.

[15] Crane, *Israel's Restoration*, 238.

[16] *Ezekiel*, II:340.

[17] A. C. Johnson, in the very early stages of studying p. 967, calculated the missing text at exactly one leaf. A. C. Johnson, H. S. Gehman, and J. E. H. Kase, edd., *The John H. Scheide Biblical Papyri: Ezekiel*, Princeton University Studies in Papyrology 3 (Princeton: Princeton University Press, 1938), 8-9. But, Johnson's calculation was later

Additionally, Block claims that reconstruction of the *Vorlage* of p. 967 is "a highly subjective task and full of pitfalls."[18] Surely, explaining the absence of MT's plus material in p. 967 does involve the interpreter's subjective judgment. Nevertheless, such subjective judgments are necessary in reconstructing the history of any text, including MT.

4) Block also argues that Lust, one of the prominent proponents of p. 967's priority, has eliminated evidence that runs counter to his theory.[19] First, he points to v. 23, where Lust identifies v. 23b as a fitting conclusion to the pericope and v. 23c as an unusual continuation of it. He interprets this as evidence of a scribal insertion beginning in 36:23c.[20] In Block's view, there is nothing unusual about the construction of v. 23 since the recognition formula is regularly followed by the *b* preposition prefixed to an infinitive (Ezek 5:13; 6:13; 12:15; 15:7; 20:42, 44; 25:17; 28:22; 30:8, 25; 33:29; 34:27; 37:13; 39:28). But, 36:23 is indeed more unique than Block acknowledges since it consists of the recognition formula followed by the declaration formula, which is then followed by an infinitive with prefixed *b*. Second, Block claims that those who view 36:23bβ-38 as secondary overlook the *inclusio* of the phrase "it is not for your sakes" in vv. 22 and 32.[21] But, Lust helpfully notes that "the fact that v. 32 forms an inclusio with v. 22 does not argue in favor of the original unity of vv. 16-32. It rather suggests that the redactor wished to

challenged by W. A. Irwin, who contended that the passage should occupy 1¾ pages instead. *The Problem of Ezekiel: An Inductive Study* (Chicago: University of Chicago Press, 1943), 63.

[18] Ibid., 340.

[19] *Ezekiel*, II:340-341.

[20] See Lust, "Ezekiel 36-40 in the Oldest Greek Manuscript," 525.

[21] *Ezekiel*, II:341.

connect his composition (v. 23c ff.) with the foregoing section."[22] While Block claims that Lust has eliminated contrafactual evidence, in matter of fact, those pieces of evidence are simply interpreted differently by Lust. Where Block sees evidence of MT's integrity, Lust sees evidence of redactional activity.

5) "By itself the section in vv. 16-23bβ appears fragmentary… removing vv. 23c-38 reduces this text to a bland and truncated two-part pronouncement, lacking any indication of how Yahweh intends to vindicate his holiness."[23] Block rightly notes that the shorter version of Ezekiel's oracle would be quite brief, but there are other short oracles in the book (cf. 36:13-15). While most of the book's oracles may be considerably more substantial, the presence of one short oracle here cannot be excluded in principle. Additionally, the "bland and truncated" quality of 36:16-23bα may have been the very reason a later scribe inserted the MT plus material.[24] The material in 36:16-23bα presents a coherent message of God's reason for judging Israel (36:16-21) and the basis for his future action (36:22-23), but its brevity may have been dissatisfying to later readers.

In summary, the arguments in favor of viewing the shorter text in p. 967 as an older version of the text of Ezekiel prove more compelling than contentions to the contrary. Additionally, the plus material in MT generally fits the criteria for proto-MT scribal expansions established by David Carr: a tendency to adapt language and ideas to the phraseology of

[22] "Ezekiel 36-40 in the Oldest Greek Manuscript," 525. See also Crane, *Israel's Restoration*, 241.

[23] Block, *Ezekiel*, II:341.

[24] See Crane, *Israel's Restoration*, 241; William A. Tooman, "Literary Unity, Empirical Models, and the Compatibility of Synchronic and Diachronic Reading," in *Ezekiel: Current Debates and Future Directions*, edd. William A. Tooman and Penelope Barter, FAT 112 (Tübingen: Mohr Siebeck, 2017), 507.

Jeremiah and a general lack of priestly terminology and ideology.[25] Ingrid Lilly has gone so far as to argue that p. 967 and MT "can be classified as variant literary editions of Ezekiel."[26] Our textual evidence indicates that MT does not represent the oldest, most original form of Ezekiel. Thus, in considering the defilement of the land in Ezek 36:16-38, it proves necessary to acknowledge the secondary character of 36:23c-38. Fortunately, most of the material concerning defilement of the land appears in vv. 17-18, but some consideration will be given to the MT plus material. This material, though secondary, gives us access to a very early attempt to understand and clarify the meaning of Ezekiel.

5.1.2 How Did Israel Defile the Land?

In Ezek 36:18, we see quite clearly how the people of Israel defiled their land: "So I poured out my wrath on them on account of the blood (*haddām*) that they shed on the land and in exchange for their idols (*ûbĕgillûlêhem*) with which they defiled it (*ṭimmĕ'ûhā*)."[27] For Ezekiel, the people of Israel defiled the land through violent bloodshed and idolatrous practices. Ezekiel's mention of bloodshed as a land-defiling offense should come as no surprise since we saw the

[25] See Carr, *The Formation of the Hebrew Bible*, 174, 176-177.

[26] Ingrid Lilly, *Two Books of Ezekiel: Papyrus 967 and the Masoretic Text as Variant Literary Editions*, VTSup 150 (Leiden: Brill, 2012), 306. See the helpful summary of her argument on pages 304-310.

[27] Note that LXX lacks MT's entire explanation of why Yahweh poured out his wrath on the people in v. 18. It appears possible that LXX is smoothing out the text as a result of a potential misreading in v. 17. Where Ezek 36:17 in MT reads *ûbĕ'ălîlôtām*, "and with their deeds," LXX reads *kai en tois eidōlois aytōn kai en tais aktharsiais aytōn*, "and with their idols and their unclean deeds." It appears that the LXX translator may have mistakenly read *ûgillûlêhem* instead of *ûbĕ'ălîlôtām* in the *Vorlage* and then added the mention of unclean deeds, perhaps as a distorted dittography of the following term *kĕṭum'at* "like the uncleanness." When the LXX translator, reading this text, arrived at v. 18, the mention of idols seemed redundant and may have been eliminated along with the note on bloodshed.

defiling force of bloodshed clearly described in Num 35:9-34.[28] However, Ezekiel's mention of idolatry as a land-defiling force appears unique vis-à-vis Pentateuchal priestly material. Nowhere in the other priestly material has idolatry threatened to defile the land.

Ezekiel appears to fold idolatry into his list of land-defiling offenses by adjusting earlier priestly tradition through a reinterpretation of the *mlk* offering. In the priestly material, we find the condemnation of offering children *lmlk* included in a long list of land-defiling offenses (Lev 18:21; 20:2-5). I argued above that offering one's children *lmlk* was not an offering to a deity Molek, but a particular type of forbidden offering. Though earlier priestly traditions make no connection between child sacrifice and idolatry, Ezekiel certainly does associate the two.[29] In Ezek 16:20-21, God says to the people:

> You took your sons and your daughters whom you bore me and you sacrificed them to them [idols, identified as *ṣalmê zākār*, "male images," in 16:17] as food. Was your whoring too little that you slaughtered my children and offered them up by passing them through [the fire] for them?

In this passage, the prophet describes the sacrifice of Israelite children as an offering of food for idols. For Ezekiel, child sacrifice becomes more than an unacceptable type of ritual practice. In his view, the offering involves devotion to divinities (represented in the *ṣalmê zākār*) other than Yahweh (cf. also 16:36).[30] Note also the use of the verb *znh*, "to whore," which appears in the

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[28] Jacob Milgrom goes so far as to say that murder defiles the land in every pentateuchal source. *Leviticus 17-22*, 1575.

[29] See Dewrell, *Child Sacrifice in Ancient Israel*, 176-178.

[30] Some scholars have suggested translation *ṣalmê zākār* as "phallic images." See e.g., Julie Galambush, *Jerusalem in the Book of Ezekiel: The City as Yahweh's Wife*, [Atlanta: Scholars, 1992], 66; and David Halperin, *Seeking Ezekiel: Text and Psychology* [University Park: Pennsylvania State University Press, 1993], 146). Moshe Greenberg has traced this particular interpretation to the assumed presence of a Canaanite fertility cult in which phallic images were used. *Ezekiel 1-20*, 280. Peggy Day has demonstrated, however, that this translation should be abandoned. "Adulterous Jerusalem's Imagined Demise: Death of a Metaphor in Ezekiel XVI," *VT* 50/3 (2000), 293, n. 26.

Margaret Odell has suggested an entirely different approach to the interpretation of Ezek 16:15-22. She argues that Ezekiel's words are a "creative reworking of fragments of historical memory" having to do with Judah's political

description of the *mlk* offering in Lev 20:5. Though *znh* is regularly used to describe the illicit worship of deities other than Yahweh, Ezekiel's use of the verb here in the context of child sacrifice suggests his dependence on the tradition found in Lev 20:2-5. In fact, the use of the verb *znh* in Lev 20:5 may have contributed in part to Ezekiel's interpretation of the *mlk* offering as a form of idolatry. A second text, Ezek 23:37-39, also demonstrates Ezekiel's novel interpretation of child sacrifice as a form of idolatrous sacrifice in much the same terms as found in 16:20-21:

> For they have committed adultery and blood is on their hands. They committed adultery with their idols (*gillûlêhem*) and their children whom they bore for me they offered as food for them. This also have they done to me: They defiled my sanctuary in that day and profaned my Sabbaths. While they were slaughtering their children to their idols, they entered my sanctuary in that day with the result that they profaned it. Thus they have done in the midst of my house.

Ezekiel's re-interpretation of child sacrifice, making it an idolatrous offense, paved the way for the generalization of all idolatrous acts as land-defiling sins.[31] Just as offering one's children

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turmoil under Assyrian dominion. Thus, Odell sees the *ṣalmê zākār* not as idols, but as royal images (Akkadian *ṣalmu*) set up by the Assyrians in the subject kingdom of Judah. She even goes so far as to suggest that Ezekiel's use of *gillûlîm*, typically understood as a term for idols, "should be understood as a play on the Akkadian term for the stone employed in the construction of stelae (*galālu*)." With this political reinterpretation of Ezek 16:15-22, Odell suggests that "the bloodshed of which [Jerusalem] is accused, then, is not child sacrifice but the reckless endangerment of her population through breach of covenant." Judah's political troubles were so traumatic, however, that in later memory, these events were reworked and represented as child sacrifice. "Fragments of Traumatic Memory: *Ṣalmê Zākār* and Child Sacrifice in Ezekiel 16:15-22," in *Bible Through the Lens of Trauma*, edd. Elizabeth Boase and Christopher G. Frechette, SemeiaSt 86 (Atlanta: Society of Biblical Literature, 2016), 118-120. Odell's re-reading of this text, while creative, fails to reckon with Ezekiel's prevailing priestly concerns for Israel's ritual purity. For this priestly prophet, the nation's purity and integrity in worship were of paramount importance. Additionally, Odell construes the text as a response to Assyrian hegemony in Judah, even though the book of Ezekiel makes a pronounced and repeated reaction to Judah's exile in Babylon. The memory of Neo-Assyrian domination of Judah may have been significant among the Judean exiles, but surely the trauma of exile would have generated even more troubling memories for the community. Finally, one must ask whether the author of this text would have even been aware of the Neo-Assyrian images in Judah given the gap between the collapse of Neo-Assyrian dominion in the late seventh century and the composition of Ezekiel during the exile in the sixth century.

[31] Dewrell argues that the scribe(s) of Ezekiel misinterpret(s) the *lmlk* rite because it had discontinued during the reign of Josiah, several decades before the composition of Ezekiel. *Child Sacrifice in Ancient Israel*, 177-178. According to Milgrom, the idea that idolatry defiles the land was the invention of the seventh century prophets. *Leviticus 17-22*, 1575.

lmlk could defile the land (Lev 18:25; 20:2-5), so also, according to Ezekiel, could any idolatrous behavior.

Ezekiel reinforces the defiling force of idolatry by associating idols with the emotion of disgust. Just as Lev 18 and 20 use disgust to dissuade the audience from engaging in any land-defiling offense (primarily sexual sins), so Ezekiel uses the strongly pejorative term *gillûlîm* to discourage the worship of idols. This term derives from the verb *gālal*, "to roll," but has been vocalized according to the pattern of *šiqqûṣîm*, "detestable things," another term Ezekiel frequently uses for idols (and which also conveys a sense of revulsion; cf. the discussion of *šqṣ* above). The biblical writers use *gālal* in order to associate idols with the round shape of animal or human excrement.[32] As a result, though English translations whitewash the connotation of *gillûlîm* by translating as "idols," some scholars have brought out Ezekiel's intentions by translating the term as "shitgods" or "shit-things."[33] Clearly, Ezekiel used shock language to provoke his audience to view idols as unsavory, in no small part because of the land-defiling potential they posed.

Ezekiel further associates idolatry (and bloodshed) with disgust in his use of the metaphor of menstruation to describe Israel's ways: "Their way before me was like the defilement of menstruation" (*kĕṭum'at hanniddâ hayĕtâ darkām lĕpānāy* Ezek 36:17). While perhaps shocking to modern sensibilities, Ezekiel compares the impurity of Israel's land-defiling deeds to the impurity of a menstruating woman. The metaphorical comparison is grammatically

[32] For more extensive discussion of this term see Daniel Bodi, "Les *gillûlîm* chez Ézéchiel et dans l'Ancien Testament, et les différentes pratiques cultuelles associées à ce terme," *RB* 100 (1993): 481-510.

[33] See ibid., 481, 510; Thomas Staubli, "Disgusting Deeds and Disgusting Gods: Ethnic and Ethical Constructions of Disgust in the Hebrew Bible," *HeBAI* 6 (2017): 465.

fitting since Jerusalem and Judah are described in feminine terms elsewhere in Ezekiel, perhaps because of the feminine gender of *'ereṣ,* "land," *'ădāmâ,* "land," and *'îr*, "city."[34] Feinstein additionally argues that the defilement of the land portrayed through the menstrual metaphor comes about through contact contagion. The people "sit" (*yšb*) on the land and thereby transfer impurity to it like a menstruating woman.[35] But perhaps more important for Ezekiel's comparison with menstrual impurity is the association of revulsion it brings. This revulsion toward menstruation (again, shocking to our modern ears) is rooted in Ezekiel's priestly (cf. Lev 15:19-33; 18:19; 20:18), androcentric perspective. As noted in the discussion on Lev 18 and 20, the term *niddâ* bears a sense (even etymologically) of something to be avoided and held at a distance. For Ezekiel in the sixth century BCE, Judah's ways are so reprehensible that he felt he could compare them to the impurity of a woman in her period of menstruation.

Ezekiel's pairing of bloodshed and idolatry as the causes of Israel's defiled land proves unique among the texts considered thus far. While Ezekiel nowhere outside 36:17-18 explicitly mentions the defilement of the land, the prophet repeatedly pairs bloodshed and idolatry in his

[34] Compare the similar metaphorical persona of wisdom (feminine *ḥokmâ*) in the book of Proverbs. Of course, grammatical gender need not imply biological gender. Yet, Ezekiel appears to have constructed several metaphors in which Jerusalem and Judah are Yahweh's female partner. For those disinclined to root the metaphor in the gender of the nouns for land and city, we could still argue that the female gender attributed to Jerusalem and Judah was selected because Yahweh is generally personified as male and thus requires a female partner. See Block, *Ezekiel*, II:346 and Carol Meyers, "Engendering Ezekiel: Female Figures Reconsidered," in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, ed. Chaim Cohen et al. (Winona Lake: Eisenbrauns, 2008), I:285-289, 296-297. Julie Galambush additionally notes that throughout the ancient Near East capital cities were metaphorically depicted as goddesses married to their patron deities. *Jerusalem in the Book of Ezekiel: The City as Yahweh's Wife*)Atlanta: Scholars, 1992), 20-23.

[35] See Feinstein, *Sexual Pollution*, 140. Block interprets the use of *yšb* differently. In his view, Ezekiel uses the phrase *yāšab 'al* in an allusion to Lev 26:35, a verse that describes the land's failure to enjoy Sabbath rest while the people dwelled in it. For Block, the appropriateness of the comparison with menstruation is rooted in the seven-day recovery prescribed for the menstruant (Lev 15:19-30). Just as a menstruating woman must wait for seven days to recover from her impurity, so for the land, "the period of uncleanness would be calculated on the basis of unobserved Sabbaths while the people were living on the land." Block, *Ezekiel*, II:347.

accusations of Judah/Jerusalem throughout the book.[36] Strikingly, nearly all of these passages hint in various ways at the potential for these offenses to defile Israel's territory. While none of these texts explicitly describes the potential for murder and idolatry to defile the land like 36:17-18, when read together, these texts indicate that the defilement of the land may in fact be a much larger theme lying under the surface of Ezekiel's oracles.

Ezekiel first pairs bloodshed with idolatry in chapter 7, an oracle against the land of Israel (*'admat yiśrā'ēl*). In the first two portions of the chapter (vv. 2-4, 5-9) God promises to judge the land of Israel for its abominations (*tô'ăbôt*, 7:3, 4, 8, 9). The condemnation becomes more specific in the third announcement of judgment (vv. 10-27). Here, God clearly states that the land must suffer for its idolatry: "They have made the beauty of his ornament into a thing of pride. They made in it the images of their abominations (and) their detestable things (*ṣalmê tô'ăbôtām šiqqûṣêhem*). Therefore, I will make it into an unclean thing for them" (Ezek 7:20). [37] Divine judgment also comes because "the land is full of bloodshed (*dāmîm*) and the city is full of violence (*ḥāmās*)" (Ezek 7:23b; cf. 7:11).[38] While nowhere in this passage does Ezekiel state that

[36] Ezekiel's accusations pairing bloodshed and idolatry appear in 7:10-27; 8:17; 16:36-38; 23:36-37, 45; 22:1-4; and 33:25-26. In fact, Zimmerli describes bloodshed and idol worship as "Israel's typical sins" in Ezekiel. *Ezekiel*, II:241.

[37] There is some dispute regarding the meaning of "the beauty of his ornament" (*ṣĕbî 'edyô*). *'ădî* customarily designates ornaments and jewelry, which may have been melted down to form idolatrous images. Alternatively, following Tg. we can see an allusion to the temple in which idols have been set up (Block suggests the Asherah and related cult objects set up by Manasseh in 2 Kgs 21:7; *Ezekiel*, I:265).

[38] The reading of *dāmîm* in Ezek 7:23 poses a significant text-critical problem. MT reads *mišpāṭ dāmîm*, "judgment of blood," the meaning of which is quite obscure since the phrase appears only here in MT. Block translates with "judicial murders," understanding the use of *mišpāṭ* as a link to the judicial system (*Ezekiel*, I:267). Text-critical issues arise when MT is compared to LXX. At this point in the text LXX reads *hē gē plērēs laōn*, "the land is full of peoples." It appears that the *Vorlage* of LXX read the visually similar *'ammîm*, "peoples, instead of *dāmîm*, "bloodshed." Yet, despite this misreading, the *Vorlage* of LXX apparently lacks the term *mišpāṭ*. Additional confirmation that *mišpāṭ* is not original to the text comes from a comparison with Ezek 9:9. In this verse, Ezekiel uses the same expression, "the land is full of bloodshed," but does not include the term *mišpāṭ*. Finally, the inclusion of *mišpāṭ* in Ezek 7:23 also throws off the metrical balance of the verse, which is otherwise comprised of two

the land has become defiled, he clearly understands Israel's violence and idolatry to have a serious impact on her territory, filling it with the consequences of violence and leading to its inevitable condemnation.

The next combination of violence and idolatry comes immediately in Ezekiel's visionary tour of the temple in chapter 8. As Yahweh takes Ezekiel on a tour of the temple precincts, he shows the prophet numerous facets of the people's religious infidelity. First, just outside the temple gate, Ezekiel observes a "statue of jealousy" (*sēmel haqqin'â*, 8:5). Then, God leads him into the temple court where the prophet witnesses the elders of Israel offering incense to images of "every kind of detestable creeping thing and beast and all the idols of the house of Israel" (*kol tabnît remeś ûbĕhēmâ šeqeṣ wĕkol gillûlê bêt yiśrā'ēl*; 8:10). Further, at the north gate Ezekiel sees women bewailing Tammuz, the Babylonian god Dumuzi, in an act of outright paganism (8:14).[39] Finally, the tour of Judah's apostasy in the temple ends at the entrance to the temple, where men are bowing down to worship the sun with their backs to Yahweh's house (8:16). Clearly, this temple vision emphasizes the idolatrous and apostate behavior of the people of Judah. What follows immediately after these observations, however, proves quite surprising. Yahweh says to Israel in 8:17: "Do you see, son of man? Is it too light a thing for the house of Judah to commit the abominations which they do here, that they have filled the land with

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syntactically and syllabically balanced cola. Cf. Leslie Allen, *Ezekiel 1-19*, WBC 28 (Nashville: Thomas Nelson, 1994), 103; Zimmerli, *Ezekiel*, I:200.

[39] Block contends that the phrase *mĕbakkôt 'et hattammûz* should be translated "weeping the Tammuz" as though "Tammuz" denotes a "special genre of lament." He contends that the use of the direct object marker and definite article on Tammuz indicate that the term is not a personal name, but a specific rite. *Ezekiel* I:294-295. Yet, the parallel construction in Num 20:29 indicates that a proper name may appear after the direct object marker as the object of a lament: "and they bewailed Aaron" (*wayyibkû 'et 'ahărōn*). Cf. also Gen 23:2. For general discussion of Dumuzi and his role in ancient Mesopotamian religion see Jeremy Black and Anthony Green, *Gods, Demons and Symbols of Ancient Mesopotamia: An Illustrated Dictionary*, illustrations by Tessa Rickards (London: British Museum, 1992), 72-73; RlA, s.v. "Tammuz(/Dumuzi)."

violence (*ḥāmās*) and have again provoked me? They are sticking the branch in my nose."[40] After an extensive tour of Israel's religious faithlessness, Yahweh also condemns the people for filling their land with violence. Both their idolatry and their violence together are worthy of condemnation. Note also the association with the land repeated here just as in 7:23. The violent deeds of God's people have "filled the land" (*mālĕ'û 'et hā'āreṣ*). Though Ezekiel does not describe the land as defiled, the impact that violence (and idolatry) can have on the land remains a very present reality.

Ezekiel continues the condemnation of Judah for bloodshed and violence in two related passages: Ezek 16 and 23. In chapter 16, God acts as plaintiff against his bride, Jerusalem, for her adulterous idolatry (specifically child sacrifice; 16:20-21, 36) and political alliances. The condemnation for idolatry and bloodshed reaches its climax in vv. 36-38. Here, Yahweh emphasizes the disgusting nature of Jerusalem's idolatrous behavior in several ways. First comes the explicit exposure of Jerusalem's shame. She has poured out her sexual discharge (*nĕḥuštēk*) and had her nakedness (*'erwātēk*) exposed in her adulterous behavior.[41] Additionally, Jerusalem has run after "abominable idols" (*gillûlê tō'ăbōtayik*), a phrase that employs two more terms

[40] MT literally reads, "They are sticking the branch in *their* nose (*'appām*)," but this is one of the *tiqqûnê sōpĕrîm*, "corrections of the scribes," in which early scribes of MT inserted euphemisms into the text. See Emanuel Tov, *Textual Criticism of the Hebrew Bible,* 2nd rev. ed. (Minneapolis: Fortress, 2001), 65. The meaning of sticking a branch in someone's nose continues to elude interpreters. While many scholars have tried to read a specific cultic significance in the gesture, Daniel Block's simple suggestion appears more plausible. "In context this statement seems to offer an idiomatic summary of the entire complex of crimes portrayed in the foregoing scenes. 'Sticking the branch to the nose' may simply describe an insulting physical gesture, here employed euphemistically to express how Yahweh feels about the way his subjects have treated him." *Ezekiel*, II:299.

[41] The *hapax* term *nĕḥuštēk* finds a cognate in Akkadian *naḫšātu*, "abnormal female genital discharge" (See CAD, N/1, s.v. *naḫšātu*; AHw, 715b). In Ezek 16:36, it appears that the prophet reverses the term's meaning, by using it not of an abnormal discharge, but of the female genital discharge produced during sexual arousal. See Greenberg, "*NḤŠTK* (Ezek. 16:36): Another Hebrew Cognate of Akk. *naḫāšu*," in *Essays on the Ancient Near East in Memory of Jacob Joel Finkelstein*, ed. M. de Jong Ellis (Hamden: Archon, 1977), 85-86.

associated with disgust.[42] Ezekiel portrays Jerusalem's idolatry as extraordinarily reprehensible. In fact, the entire metaphor of Ezek 16 has been crafted to impress upon the reader a strong sense of revulsion at Jerusalem's departure from faithfully following Yahweh. And in the verses where Jerusalem's condemnation reaches its climax (vv. 36-38), she is accused of both idolatry and bloodshed (along with political allegiance to foreign nations). Jerusalem has committed extra marital intercourse (*taznûtayik*) with "abominable idols" and she has poured out the blood of her children (16:36). As a result, Jerusalem is judged "with the judgments of adulteresses and those who shed blood" (*mišpĕṭê nō'ăpôt wĕšōpĕkôt dām*, 16:38). Note that in emphasizing the land-defiling offenses of idolatry and bloodshed, Ezekiel employs the metaphor of another sin that could defile Israel's territory: adultery. He employs the same metaphor again in the largely parallel chapter 23, where the prophet condemns Jerusalem for her political alliances with foreign nations. Nevertheless, though the chapter focuses primarily on Jerusalem's political infidelity, the accusation of idolatry and bloodshed resurfaces, even in some surprising ways. In 23:30, God promises to judge Jerusalem because she has committed extra-marital intercourse with the nations and defiled herself by their idols. The accusation of adultery in 23:37 becomes even more surprising. Throughout the chapter, Ezekiel focuses on Jerusalem's shifting political affections, but in this verse he states, "They have committed adultery and blood is on their hands. They committed adultery with their idols and their children whom they bore for me they offered as food for them." The driving metaphor of Ezek 23 concerns Jerusalem's faithlessness to Yahweh and yearning for other lovers: Assyria, Babylon, and Egypt. So, it proves surprising that Ezekiel would state in v. 37 that Jerusalem's adulterous activity was the result of idolatry. Even

[42] See the discussion of these terms in the section on Lev 18 and 20 in Chapter 2.

more surprising is the incorporation of bloodguilt into Jerusalem's crimes. The people of Jerusalem are guilty because they have "blood on their hands" and have offered up their own children in sacrifice.[43] In view of these criticisms, Ezekiel closes the chapter with much the same critique as was leveled in 16:38: "But righteous men will judge them with the judgment of adulteresses and the judgment of those who shed blood. For they are adulteresses with blood on their hands" (Ezek 23:45). In both Ezek 16 and 23, though Jerusalem is condemned for making political alliances with the surrounding nations, the prophet also accuses the people of the combined offenses of idolatry and bloodshed, largely centered on the sacrifice of their children. Though these chapters do not depict any clear impact of idolatry and/or bloodshed on the land of Israel itself, they do constitute a personification of the city of Jerusalem, the capital and focal point of Judah. The city, like its people, appears in these chapters as an adulteress, idolater, and murderer. While the language of land-defilement makes no appearance here, the causes of the defiled land are explicitly attributed to the most important part of Judah's territory: Jerusalem.

Ezekiel links bloodshed and idolatry even more closely in 22:1-16, the condemnation of the bloody city, Jerusalem. The prophet mentions these offenses numerous times. In the first four verses, Ezekiel calls Jerusalem the "city of bloodshed" (*'et 'îr haddāmîm*, Ezek 22:2) the "city that sheds blood in her midst" (*'îr šōpeket dām bĕtôkāh*, Ezek 22:3; cf. also 22:6).[44] But in verse

[43] According to Dewrell, Israel offered up her children in sacrifice to Yahweh. This was a direct application of the law of the dedication of firstborn children to Yahweh found in the Covenant Code (Ex 22:28b-29 [22:29b-30]). Thus, Ezekiel describes this law as "not good" (Ezek 20:25-26). *Child Sacrifice in Ancient Israel*, 178-183. Much of Dewrell's argument is compelling, but the one significant difficulty it encounters is the fact that Ezekiel construes this child sacrifice as an offering to idols (Ezek 23:37). The children of Judah were offered to "them" (the idols) not to "me" (Yahweh). Perhaps this was Ezekiel's attempt to reinterpret earlier practice in Judah, but it presents a significant challenge to Dewrell's assertion that the child sacrifice Ezekiel opposes consists in offerings to Yahweh.

[44] Note that Feinstein suggests that the feminine gender of the noun for city (*'îr*) and personification of Jerusalem as female in chapters 16 and 23 (discussed above) may suggest that the blood mentioned in this passage is intended to evoke the idea of menstruation as well as bloodguilt. *Sexual Pollution*, 136.

4a, Ezekiel combines the theme of bloodshed with idolatry: "By your blood that you shed you are guilty; and by your idols that you made you are unclean." As a result, Jerusalem's reputation is defiled (*tĕmē'at haššēm* Ezek 22:5). The potential linking of bloodshed and idolatry to defilement of the land in Ezekiel's thought appears even stronger when we turn to vv. 10-11 in this chapter. There Ezekiel directly mentions five sexual offenses taken straight from Lev 18 and 20: 1) uncovering the father's nakedness (cf. Lev 18:7; 20:11); 2) intercourse with a menstruant (cf. Lev 18:19); 3) adultery (cf. Lev 18:20; 20:10); 4) intercourse with one's daughter-in-law (cf. Lev 18:15; 20:12); and 5) intercourse with one's sister (cf. Lev 18:9; 20:17).[45] All these offenses, illicit bloodshed, idolatry, and sexual sin (along with fraud mentioned in Ezek 22:7, 12, 13), lead Yahweh to cast the city into exile (22:13-16).[46] In fact, Yahweh's judgment functions as an act both of punishment and purification (22:15).[47] Jerusalem has defiled herself through bloodshed, idolatry, sexual immorality, and fraud (a new offense not yet seen in any land-defilement text). But, through the judgment of exile, Yahweh punishes these offenses and purifies the city. This oracle resonates with numerous land-defilement themes from priestly Pentateuchal texts and elsewhere in Ezekiel. Thus, while Ezekiel does not employ the explicit language of land-defilement found in other passages, he very well may implicitly assume that Jerusalem's transgressions had the potential to defile the territory of Israel.

[45] Feinstein agrees that these violations are drawn from Leviticus. *Sexual Pollution*, 137.

[46] See Van Wolde, "A Cognitive Linguistic Study of the Concept of Defilement in Ezekiel 22:1-16," in *Biblical Interpretation and Method: Essays in Honour of John Barton*, edd. Katharine J. Dell and Paul M. Joyce (Oxford: Oxford University Press, 2013), 260.

[47] See Feinstein, *Sexual Pollution*, 136.

In chapter 33, Ezekiel combines bloodshed and idolatry in a passage similarly dependent on Pentateuchal Priestly (and Deuteronomic) themes.[48] The prophet rebukes the inhabitants of the land, who still reside in Judah during the period of exile.[49] Specifically, Ezekiel challenges their claim to legitimate possession of the land (cf. 33:24). The inhabitants of the land cannot lay claim to it because, "You eat with the blood, lift your eyes to idols, and shed blood. Will you inherit the land? You support yourself on your sword, you have committed abomination. Each of you has defiled his neighbor's wife. Will you inherit the land?" (Ezek 33:25-26). The inhabitants of the land have committed a wide variety of offenses found throughout Priestly and Deuteronomic texts.[50] By committing such faults, they have voided their right in Yahweh's sight to remain in the land. Yahweh will make the land into a "desolation and devastation" (*šĕmāmâ ûmĕšammâ*; Ezek 33:28-29). Again in this text, we see Ezekiel connecting sins that defile the land in other texts (idolatry, bloodshed, and adultery) with the people's failure to remain in Israel. Thus, while the explicit language of defilement of the land does not appear in this text,

[48] For a developed discussion of Ezekiel's dependence on both Priestly and Deuteronomic literature, see Risa Levitt Kohn, *A New Heart and a New Soul: Ezekiel, the Exile, and the Torah*, JSOTSup 358 (Sheffield: Sheffield Academic Press, 2002).

[49] For further discussion of Ezekiel's polemical contrast between the exilic community and those still residing in Judah, see Dalit Rom-Shiloni, "Ezekiel as the Voice of the Exiles and Constructor of Exilic Ideology," *HUCA* 76 (2005): 1-45.

[50] The prohibition of eating blood is found in Gen 9:4; Lev 3:17; 7:26, 27; 17:10-14; 19:26; Deut 12:16, 23-25; 15:23 (cf. 1 Sam 14:32-34). The language of lifting up one's eyes (*nāśā' 'ênayim*) to idols does not appear in the Pentateuch, though it does appear several times in Ezekiel (Ezek 18:6, 12, 15; 33:25). Nevertheless, Priestly and Deuteronomic texts express the ban on worship of idols in other terms (see e.g., Lev 19:4; 26:1; Deut 5:8-10; 8:19; 11:16, 28). Violent crimes (expressed by Ezekiel as shedding blood [*šāpak dām*] and supporting oneself on the sword [*'āmad 'al ḥereb*]) are addressed in both Priestly and Deuteronomic material in a variety of manners (see e.g., Gen 9:6; Num 35:9-34; Deut 5:17; 19:1-13; 21:1-9). Both Priestly and Deuteronomic texts proscribe the commission of "abomination" (*tô'ēbâ*) in the strongest terms (see e.g., Lev 18:22; 20:13; Deut 7:25; 17:1; 22:5). Defiling the wife of one's neighbor is also addressed in both sources (Lev 18:20; Deut 24:4; cf. Num 5:27-29).

Ezekiel may have concluded that the inhabitants of the land must be exiled from it because they defiled it through their sins.

We have seen a series of texts throughout the book of Ezekiel in which the land-defiling offenses of idolatry and bloodshed are joined together, sometimes in surprising ways. In each of these passages, one could reasonably conclude that Ezekiel saw the territory of Israel being defiled through such sins. In Ezek 7:23 and 8:17 the land is filled with violence. Chapters 16 and 23 personify the city of Jerusalem (the heart of Israel's territory) as a woman who defiles herself through paradigmatic land-defiling offenses (idolatry, bloodshed, and adultery). Ezekiel 22:1-16 and 33:21-33 both depend on lists of offenses found in the Pentateuch, where they appear in land-defilement texts. In Ezek 22:15, the prophet implies that Jerusalem has made herself unclean through these offenses. And in Ezek 33:25-26, the inhabitants of the land lose any assurance of remaining in Israel because they have committed land-defiling sins. It appears that Ezekiel's conception of the land's defilement expressed explicitly in Ezek 36:17-18 informs and underlies numerous passages found earlier in the book. None of these texts explicitly states that Israel's offenses have defiled the land. Nevertheless, the author has clearly linked land-defiling offenses with concerns about Israel's territory, precisely the kind of thinking one would expect if defilement of the land were in view. Though Ezekiel offers little explicit reflection on the land's defilement, this dynamic undergirds his view of Israel's tenure in the land. The implicit character of land-defilement in Ezekiel's prophecies should not surprise us. As a priest, Ezekiel would have been saturated in reflections on purity and defilement. These ideas about Israel's conduct and its consequences would surely have shaped the prophet's interpretation of the events leading up to exile. The prophet has absorbed and developed a significant amount of Pentateuchal

reflection on the subject of land defilement, resulting in his unique approach to Israel's tenure in the land.

5.1.3 The Consequences and Remedy for Defiling the Land

Ezekiel's interaction with Pentateuchal themes appears not only where he defines how the land could be defiled, but also where he describes the results of and remedies for the land's defilement. The consequences for defiling the land are, in part, familiar given the survey of Leviticus above. Defilement of the land results in the exile of its inhabitants. But, Ezekiel also introduces a new and unanticipated outcome of defiling the land: dishonor to Yahweh's name. Because the people polluted their territory and were banished from it, they profaned the reputation of Yahweh in the sight of the nations. Fortunately, Ezekiel also holds forth certain hope for the restoration of both the people and land of Israel. Israel's hope comes through direct divine intervention. God must change the people's hearts so they submit to him and put an end to their defiling deeds. Similarly, he also transforms the land from a desolate waste to an Edenic paradise. By envisioning Israel's restoration as a result of direct divine intervention, Ezekiel offers an entirely new kind of hope. Though Ezekiel himself is portrayed as a priest (Ezek 1:3), his vision for cleansing Israel's land diverges significantly from what is found in priestly Pentateuchal texts.

By making the land impure, Israel incurred the judgment of God, resulting in their exile (Ezek 36:18, 19). The people's idolatry and bloodshed had so filled the land with impurity that the population had to be exiled to rid the land of their defiling deeds.[51] This punishment coheres

[51] See Block, *Ezekiel*, II:346.

well with what is found in earlier Pentateuchal material.[52] We have seen already how Lev 18 and 20 depict the people's defiling deeds as causing the land to vomit the people out (Lev 18:25, 28; 20:22). In these passages, the land can no longer tolerate the people's impurities, so it expels them from its midst. Likewise, Num 35 may implicitly envision the same outcome. Defiling Yahweh's dwelling place would lead inevitably to his departure and the exile of his people (Num 35:34). Thus, when God says in Ezek 36:19 that he scattered his people throughout the nations for their deeds, we find a response that echoes earlier Pentateuchal material.

Not all of the consequences of Israel's land-defilement find such antecedents in the Pentateuch. Using decidedly priestly vocabulary, Ezekiel observes that the exile of Yahweh's people for defiling his land ultimately leads to the profanation (*ḥll*) of his name.[53] God's land and people should be holy, thereby reflecting the influence of his holy presence in their midst. Yet the sin and uncleanness of Israel led God to scatter the people among the nations. The exile was clear evidence of the unholiness of Israel, the utter failure of Yahweh's people to reflect his own character and influence. When the nations saw the people of Yahweh severed from his land (cf. Ezek 36:20), they could only conclude that Yahweh was incompetent, utterly incapable of sanctifying his people so that they might remain in his presence.[54] As a result, from Ezekiel's

[52] See Stephen L. Cook, *Ezekiel 38-48: A New Translation with Introduction and Commentary*, AB 22B (New Haven: Yale University Press, 2018), 23.

[53] Profaning Yahweh's name has a strong association with priestly tradition. The offenses that can profane Yahweh's name include offering a *mlk* sacrifice (Lev 18:21; 20:3); swearing falsely by Yahweh's name (Lev 19:12); improper priestly partaking of holy offerings (Lev 22:2); a man and his father having sex with the same woman (Amos 2:7; cf. Lev 18:7, 8; 20:11); taking back slaves after proclaiming their liberty (Jer 34:16).

[54] See Stephen L. Cook, "Burgeoning Holiness: Fecundity Let Loose in Ezekiel 34-36," in *Ezekiel: Current Debates and Future Directions*, edd. William A. Tooman and Penelope Barter, FAT 112 (Tübingen: Mohr Siebeck, 2017), 349. Block argues that the profaning of Yahweh's name was a result of the military conflict between Judah and Babylon. "Outsiders were left to conclude that either Yahweh had willingly abandoned his people, or that he was incapable of defending them against the superior might of Marduk, the god of Babylon. The first option challenges Yahweh's credibility and integrity; the second, his sovereignty" (*Ezekiel*, II: 348). But, Ezekiel makes no mention of that military conflict in relation to the profaning of Yahweh's name. He does, however, focus on the deeds of the

priestly perspective, Yahweh's name was profaned by those peoples because of Israel's failings. Because Israel defiled the land and was spewed out of it, they brought shame upon their deity's reputation.

Fortunately for exiled Israel, Ezekiel envisions a future restoration of the land. Though the people defiled their land by their deeds, there is hope that Yahweh will one day soon cleanse the land and restore his people to it. Ezekiel's vision of how the land could be restored differs significantly from anything seen in the Pentateuchal priestly traditions. There, remedies for the land's defilement are practical and judicial in nature. In Num 35:9-34, the defiled land can be purified through execution of murderers or the death of the high priest (in the case of manslaughter). Leviticus 20 may also hold forth the possibility of land purification through punishment of sexual offenses. In both cases, judicial intervention restores the land to its state of purity.[55] In sharp contrast, Ezekiel anticipates a very different kind of restoration. For Ezekiel, the remedies for the land's defilement originate in the heavenly sanctuary. Only through direct divine intervention can the people and land be cleansed.

Yahweh first cleanses the people of their impurities and works in them an inner renewal to prevent future defilements of the land. Though this first intervention does not directly impact the land, through it, God prevents Israel from once again defiling the land and repeating their exile. "I will sprinkle clean water on you that you may be clean. I will cleanse you from all your

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people that brought about their exile (Ezek 36:17-19) and the fact that Yahweh's remedy for the profanation of his name involves restoring the people to their land and cleansing them of their uncleanness and sin (Ezek 36:24-31). While Block focuses on the political/military situation, Ezekiel's language of profanation strongly reflects his priestly perspective. Were the prophet concerned with military/political matters, this language would have made far less sense than other available descriptions such as that of mocking or ridiculing (cf. 2 Kgs 19:4, 16).

[55] The death of the high priest is the one extra-judicial exception to this rule, but reasons for the unique nature of this remedy are discussed in Chapter 2.

impurities (*ṭum'ôtêkem*) and from all your idols (*gillûlêkem*)" (Ezek 36:25). Here, Ezekiel metaphorically applies the image of ritual cleansing by water to Israel's moral faults.[56] God cleanses his guilty people from their moral failings. But, his restorative work goes even further. Ezekiel knows well that Israel can corrupt even the most auspicious of beginnings (cf. Ezek 16:6-14). Consequently, God promises not merely to cleanse the exiles, but to transform them: "I will give you a new heart and a new spirit I will set in your midst. I will remove the heart of stone from your flesh and I will give you a heart of flesh. I will put my spirit in your midst and I will make it so that you walk in my decrees so that you keep my judgments and do them" (Ezek 36:26-27). While cleansing the people from their impurities is an important first step, God must prevent them from quickly returning to those entrenched habits. Greenberg helpfully observes, "So that God's name never again suffers disgrace, Israel's restoration must be irreversible."[57] To that idyllic end, God transforms the very hearts of his people and puts his spirit within them so that they walk aright. Restoration must begin with a restored people so that they do not threaten the integrity of the land.

God restores his people in preparation for the cleansing and rejuvenation of the land. Ezekiel connects the two ideas in 36:29-30:

> I will deliver you from all your impurities and I will call to the grain and make it multiply. I will not give you famine. I will multiply the fruit of the tree and the produce of the field so that you no longer experience the shame of famine among the nations.

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[56] See Lesley R. Difransico, *Washing Away Sin: An Analysis of the Metaphor in the Hebrew Bible and Its Influence*, BTS 23 (Leuven: Peeters, 2016), 115; Block, *Ezekiel*, II:354. Greenberg even suggests that Ezekiel's use of the plural *ṭum'ôt* specifically echoes the Day of Atonement ritual since the plural form of *ṭum'â* appears only in Ezek 36:25, 29 and Lev 16:16, 19. In Greenberg's view, "Evocation of the rituals of Lev 16 suggests that just as they are effective in themselves, so God's purification of impenitent Israel takes effect without Israel's volition." *Ezekiel 21-37*, 738.

[57] *Ezekiel 21-37*, 735.

In the future, God will bless the land with a fruitfulness far beyond what it knew before the exile. Ezekiel's future vision is that the land will be transformed into an Edenic paradise.[58] He observes, "The devastated land will be tilled instead of being a desolation in the sight of every passerby. And they will say, this devastated land has become like the garden of Eden" (36:34-35a). Strictly speaking, Ezekiel does not explicitly state that the land is cleansed of its defilements, but he presents the return to fruitfulness as an answer to that problem. In Ezekiel's vision, the land does not simply become productive; it returns to a pristine, unblemished condition "like the garden of Eden." In fact, the allusion to Eden carries overtones of purity since the garden is itself a kind of sanctuary.[59] Furthermore, defilement of the land and infertility of the land are closely intertwined in several land-defilement texts. Thus, a return to productivity and fruitfulness marks the land's return to purity. Just as he directly intervenes to transform his people, so also God intervenes to rejuvenate his land.

5.2 Non-explicit Land-defilement Texts

5.2.1 Ezekiel 39:11-16

[58] Stephen L. Cook argues that the mention of multiplying the "fruit of the tree" in 36:30 alludes to God's work in Eden (Gen 1:29). See "Burgeoning Holiness: Fecundity Let Loose in Ezekiel 34-36," 351-352.

[59] See Gordon Wenham, "Sanctuary Symbolism in the Garden of Eden Story," in *I Studied Inscriptions from Before the Flood: Ancient Near Eastern, Literary, and Linguistic Approaches to Genesis 1-11*, edd. Richard S. Hess and David Toshio Tsumura (Winona Lake: Eisenbrauns, 1994), 399-404; Jon Levenson, *Sinai and Zion: An Entry into the Jewish Bible*, (New York: HarperOne, 1985), 142-145; idem, *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence* (Princeton: Princeton University Press, 1988), 78-99; and Moshe Weinfeld, "Sabbath, Temple and Enthronement of the Lord: The Problem of the Sitz im Leven of Genesis 1:1-2:3," in M*élanges bibliques et orientaux en l'honneur de M. Henri Cazelles*, edd. A. Caquot and M. Delcor, AOAT 212 (Neukirchen-Vluyn: Neukirchener Verlag, 1981), 501-512. Note, however, Daniel Block's disagreement with identifying Eden as a sanctuary in "Eden: A Temple? A Reassessment of the Biblical Evidence," in *From Creation to New Creation: Biblical Theology and Exegesis*, edd. Daniel M. Gurtner and Benjamin L. Gladd (Peadbody: Hendrickson, 2013), 3-29.

When Ezekiel prophesies the destruction of Gog's armies, he envisions vast armies of dead soldiers strewn about Israel's territory (Ezek 39:1-6). These corpses lying in the land cannot be left exposed, but must be buried in order to "cleanse the land" (*ṭahēr 'et hā'āreṣ*; cf. Ezek 39:12, 14, 16). By indicating that the land must be cleansed, Ezekiel implies that the corpses of Gog's defeated armies have defiled the land. Nevertheless, the pollution of the land in Ezek 39:11-16 differs in significant ways from that found in every other passage treated in this chapter. In other texts (including Ezek 36:17-18), the land becomes unclean through illicit behaviors, whether sexual, religious, or violent. Here, no illicit behavior pollutes the land. Rather, the land becomes defiled through corpse contact as in Num 19:11-22.[60] The dead bodies of Gog's armies pollute the land on which they lie.

Nowhere else in the Hebrew Bible do corpses defile the land, but Num 19:11-22 contains the seeds of Ezekiel's creative application of corpse pollution to the land. Numbers 19:13 and 20 state that any person who fails to purify herself from corpse impurity thereby pollutes the dwelling of Yahweh. Corpse impurity has the potency to defile the sanctuary from afar.[61] Ezekiel may develop this concept further by identifying the land of Israel itself as the dwelling place of Yahweh, which could be polluted by corpse contagion. Thus, the land must be cleansed for Yahweh to return from exile and settle once again in Israel (cf. Ezek 43:1-7; 48:35).[62] The purification of the land in Ezek 39:11-16 echoes the purification of people from corpse impurity found in Num 19:11-22. Whereas corpse impurity lasts for seven days (Num 19:11, 14, 16),

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[60] See Cook, *Ezekiel 38-48*, 92-93; Tooman, *Gog of Magog*, 182-183.

[61] See Milgrom, *Numbers*, 161; Levine, *Numbers 1-20*, 457.

[62] See Daniel I. Block, *Beyond the River Chebar: Studies in Kingship and Eschatology in the Book of Ezekiel*, (Eugene: Cascade, 2013), 119-120.

purifying the land from Gog's vast armies requires seven months (Ezek 36:12, 14). The vast number of bodies and their pollution of the entire land calls for a far longer period of purification. Ezekiel's novel approach to corpse impurity thus appears to have its antecedent in Num 19:11-22.

Despite the divergence of land defilement in Ezek 39:11-16 from that found elsewhere in the Hebrew Bible, Ezekiel nevertheless echoes another form of land defilement in his description of the burial of Gog's armies. He describes this site as the "Valley of the those who have passed on" (*gê hā'ōbĕrîm*; Ezek 39:11). In this name, the verb *'br* designates those who have passed on from the realm of the living to that of the dead.[63] More specifically, these are fallen warriors whom some have compared to the *'brm* in KTU 1.22.I.15, understood as deified dead heroes.[64] Ezekiel also gives the valley another name, the "Valley of Hamon Gog" (*gê' hămôn gôg*; Ezek 36:11, 15). Both names for this valley echo biblical descriptions of the Topheth of the Valley of Hinnom, the place where Israelite children were ritually slaughtered (cf. Jer 7:31-32; 19:1-15). Second Kings 23:10 identifies the Valley of Hinnom more specifically as the site where individuals would offer their children as a *mlk* sacrifice (*lammōlek*). When Ezekiel describes the gravesite of Gog's army as the *gê hā'ōbĕrîm* (Ezek 39:11), he echoes the frequent use of the verb

[63] See Block, *Ezekiel*, II:469; Cook, *Ezekiel 38-48*, 87; Francesca Stavrakopoulou, "Gog's Grave and the Use and Abuse of Corpses in Ezekiel 39:11-20," *JBL* 129/1 (2010): 79.

[64] See Stavrakopoulou, ibid.; Block, ibid.; Klaas Spronk, *Beatific Afterlife in Ancient Israel and in the Ancient Near East*, AOAT 219 (Neukirchen-Vluyn: Neukirchener Verlag, 1986), 229-230; Baruch Levine and Jean-Michel de Tarragon, "Dead Kings and Rephaim: The Patrons of the Ugaritic Dynasty," *JAOS* 104 (1984): 649-659; Sergio Ribicini and Paolo Xella, "La Valle dei Pasanti (Ezechiel 39.11)," *UF* 12 (1980): 434-437; and Marvin Pope. "Notes on the Rephaim Texts from Ugarit," in *Essays on the Ancient Near East in Memory of Jacob Joel Finkelstein*, ed. Maria de Jong Ellis (Hamden: Archon, 1977), 173-175. But note that Theodore Lewis contends that the *'brm* are merely travelers partaking in a rejuvenating meal, rather than departed heroes. He does, however, observe the potential for a double entendre, the author making a nod to the departed. "Toward a Literary Translation of the Rapiuma Texts," in *Ugarit, Religion and Culture: Proceedings of the International Colloquium on Ugarit, Religion and Culture, Edinburgh, July 1994. Essays Presented in Honour of Professor John C. L. Gibson*, edd. N. Wyatt, W. G. E .Watson, and J. B. Lloyd, UBL 12 (Münster: Ugarit-Verlag, 1996), 139.

'br in descriptions of such sacrifices. Ezekiel himself uses *'br* to describe child sacrifice (cf. Ezek 16:21; 20:26, 31; 23:37), as do other biblical writers (cf. Lev 18:21; 2 Kgs 23:10; Jer 32:35).[65] Echoes of Israel's offerings *lmlk* also emerge in the valley's second name. The title "Valley of Hamon Gog" (*gê' hămôn gôg*; Ezek 36:11, 15) evidently echoes the name of the "Valley of Hinnom" (*gê*[ʾ] [*ben*] *hinnōm*; Josh 15:8; 18:16; 2 Kgs 23:10; Jer 7:31, 32; 19:2, 6; 32:35; Neh 11:30; 2 Chr 28:3; 33:6).[66] Ezekiel thus forms a literary link between the burial of Gog's land-defiling armies and the land-defiling slaughter of children performed in Judah. Though the specific type of defilement found in Ezek 39:11-16 fundamentally differs from that found in other texts, Ezekiel incorporates the topic into the broader matrix of land-defilement passages through literary allusion.

5.2.2 Ezekiel 47:1-12

One final passage in Ezekiel demands our attention as we explore the prophet's treatment of land defilement. In Ezekiel 47:1-12, we find a description of a miraculous river flowing from Ezekiel's visionary temple through the land of Israel, ultimately reaching its terminus at the Dead Sea. This vision describes the idyllic future fulfillment of what Ezekiel prophesied in 36:16-38. There we saw the prophet predict the reversal of the land's defilement: "This devastated land has become like the garden of Eden" (36:35). Ezekiel's vision of the miraculous river marks a future healing and transformation of the land, taking what was once defiled and

[65] See Cook, *Ezekiel 38-48*, 88, 91; Brian Irwin, "Molek Imagery and the Slaughter of Gog in Ezekiel 38 and 39," *JSOT* 65 (1995): 104.

[66] See Zimmerli, *Ezekiel*, II:317; Block, *Beyond the River Chebar*, 118; Tooman, *Gog of Magog*, 180, Stavrakopoulou, "Gog's Grave," 80.

making it into paradise itself. This fructifying, restorative stream flows from the presence of God himself to purify the land and transform it into an ideal habitation for his people.

While Ezekiel 47:1-12 does not explicitly mention the land's defilement or purification, the text resonates with such themes as they appear in Ezek 36:16-38.[67] Ezekiel's miraculous river resolves the problems raised in this earlier land-defilement text. While Israel had polluted their land through immoral behavior, Ezekiel envisions a stream of water washing away these impurities. Ezekiel 47:1-12 echoes the predictions of 36:16-38 in two specific ways. First, I noted above that Ezekiel's earlier prophecy envisioned restoration of the defiled land as the result of direct divine intervention. God himself must transform the land and people, and he chooses to do so using water as his ritual detergent (Ezek 36:25). The source and miraculous power of Ezekiel's river demonstrate that God himself restores the land through the river. Second, Ezekiel also predicted that the defiled land would be transformed into an Edenic paradise (Ezek 36:35). The river flowing from Ezekiel's visionary temple does just that. The once desolate land explodes with fruitfulness beyond any natural expectation. Though lost in remotest antiquity, Eden is to be regained (or surpassed?) in Israel's future.

The prophecy of Ezekiel 47:1-12 draws attention again to God's direct intervention in the problems of Israel's defiled land. In chapter 36, we saw God's direct intervention in the people of Israel. He promised to change their hearts so that they would no longer pollute the land with their offenses (Ezek 36:25-27). There God sprinkled clean water on the people to purify them.

[67] The genre of this passage may explain, in part, why Ezekiel nowhere explicitly mentions defilement or purification. Here, Ezekiel composes a highly figurative, symbolic vision of Israel's future restoration. He does not present us with a technical priestly description. Thus, it should come as no surprise that Ezekiel does not employ the kind of precision one would expect of the priestly Pentateuchal authors.

Here, God cleanses the land with clean waters flowing from his sanctuary. So, God once again resolves the problem of the land's defilement by his own action.

The first evidence indicating that the idyllic future river is a form of direct divine intervention can be found in its origin. The stream flows from the temple itself. But Ezekiel even further connects the river's origin to Yahweh when he states, "Water was flowing eastward from under the dais (*miptan*) of the temple" (47:1). The term *miptan* can refer to a "threshold" (cf. NRSV, NIV, ESV), but more likely here refers to the raised platform or dais on which a deity or king's throne would sit.[68] Compare the use of *miptan* in 1 Sam 5:4-5, where it designates the elevated platform on which the statue of Dagon rested. Thus, the river flows not simply from Yahweh's house, but from the very base of his throne. The image of a river flowing from the deity's feet (cf. Ezek 43:7) finds parallels throughout the ancient Near East. In one seal of Gudea, jugs of water overflow under the feet of Ea. The same overflowing of water appears at Mari as well. The base of the stairs ascending to Ishtar's sanctuary was flanked by two river goddesses holding flowing vases. These same goddesses appear again the Mari investiture scene where they are located in the frame underneath Ishtar.[69]

The idyllic future river flows out of Yahweh's presence and this origin shapes its influence on the land. The flow of water from Yahweh's throne extends the potent sanctifying influence of the divine presence to the land itself. What was once impure cannot but be changed by the flow of holy waters from the deity's throne. The river becomes a source of holiness for the land. Stephen Cook observes, "God's sacred river, flowing out from the temple, does more than

[68] So Daniel Bodi, "The Double Current and Tree of Healing in Ezekiel 47:1-12 in Light of Babylonian Iconography and Texts," *WO* 45/1 (2015): 25 and Cook, *Ezekiel 38-48*, 262.

[69] See Cook (*Ezekiel 38-48*, 262-263) for further discussion, citation details, and figures.

merely infuse the land with fertility, for in Ezekiel's book life and holiness are inextricable. No, the sacred river replaces temple water that used to be taken from the large bronze basin in the courtyard. Numbers 5:17 calls such water 'holy water.'"[70] The sanctifying temple waters now flow from God's house to fill and purify his land. Wojciech Pikor goes so far as to argue that the river symbolically represents Yahweh's presence as a source of blessing and purification for the land.[71] These life-giving waters rejuvenate the once-desolate land and cleanse it from its impurity by the power of Yahweh working through them.

A second indicator that the river is a form of divine intervention is the river's miraculous growth. The water begins as a mere trickling (*mĕpakkîm*) but grows and grows until it becomes an untraversable river (Ezek 47:2-5). The *hapax* verb *mĕpakkîm* used in Ezek 47:2 emphasizes the small beginnings of this stream. The verb *pkh* is a denominative Piel from the noun *pak*, "bottle," and onomatopoetically conveys the sound of liquid gurgling out of a vessel. As Daniel Block notes, this unique verb highlights "the modest size of the stream at its source – no larger than the flow of water from the mouth of a small vessel."[72] Thus, the divine stream grows from a mere trickling to am impassable torrent. The association of divine rivers with a gurgling jug again echoes a common motif from the ancient Near East. Stephen Cook observes:

> A dolerite (basalt) relief of the fountain at an Assur temple (eighth to seventh century BCE) shows such a jug emitting four streams, from which deities and priests of the god Ea draw holy water. These are the cosmic waters of paradise. Another, especially relevant, example is the statue from Mari of a female deity holding a flowing vase. The statute was rigged internally with plumbing, so that water literally flowed through her jug. As noted, the same goddess holding her

[70] Ibid., 22. See also Block, *Beyond the River Chebar*, 178; Jon Levenson, *Theology of the Program of Restoration of Ezekiel 40-48*, HSM 10 (Missoula: Scholars, 1976), 28.

[71] *The Land of Israel in the Book of Ezekiel*, LHBOTS 667 (London: T & T Clark, 2018), 189-191.

[72] *Ezekiel*, II:691.

> flowing vase appears in double representation in the Mari investiture panel. The paired goddesses with vases are positioned under and to the far sides of a higher frame depicting the inner holy place of the goddess Ishtar. This parallels Ezekiel's waters of life flowing from down under the temple terrace, out from one side.[73]

That the stream begins as a mere gurgling and grows into a mighty river demonstrates its supernatural character. This river is a source of divine blessing on Israel's land.

The third indication that the river is a form of direct divine intervention can be seen in the extraordinary, even miraculous, abundance it brings. Here, however, God's restoration of the land more pointedly echoes the prediction of chapter 36. The extraordinary abundance associated with the temple stream evokes ideas of Eden. But the fertility associated with Ezekiel's river goes beyond that found in Genesis 2.[74] The effect of the temple waters is nothing short of miraculous. The Dead Sea teems with fish. Fruit trees yield produce in all seasons. The same trees also bear medicinal leaves. Israel's once desolate and defiled land is rejuvenated and transformed into paradise in fulfillment of Ezekiel's earlier prophecy (36:35).

The first miraculous outcome of the temple stream is its rejuvenation of the Dead Sea. Ezekiel observes that the river "enters the sea, the salted waters, then the waters are healed" (47:8).[75] No stream of fresh water could remove the Dead Sea's salinity in the ordinary course of

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[73] *Ezekiel 38-48*, 263-264.

[74] Scholars generally agree that Ezekiel's vision invokes the imagery of Eden found in Genesis 2. See Martha Himmelfarb, *Between Temple and Torah: Essays on Priests, Scribes, and Visionaries in the Second Temple Period and Beyond*, TSAJ 151 (Tübingen: Mohr Siebeck, 2013), 13; Block, *Ezekiel*, II:696; Cook, *Ezekiel 38-48*, 5; Susan Niditch, "Ezekiel 40-48 in a Visionary Context," *CBQ* 48 (1986): 217, 223; Pikor, *The Land of Israel in the Book of Ezekiel*, 188.

[75] This portion of Ezek 47:8 presents several difficulties. MT reads *ûbā'û hayyāmmâ 'el hayyāmmâ hammûṣā'îm wĕnirpû hammayim,* "then they will enter the sea, those which are brought out to the sea, and the waters will be healed." First, and most simply, the verb *wĕnirpû* (Qere, defective spelling with elision of *aleph*) should be read as *wĕnirpĕ'û* "then they will be healed," following the Ketiv. Second, the participle *hammûṣā'îm* presents several difficulties. This term is a Hophal participle of *yṣ'*, meaning "which have been brought out." The participle presents problems of both grammar and sense. Regarding grammar, *hammûṣā'îm* is a plural participle, but it follows after a singular noun (*hayyāmâ*), which is the noun we would expect it to modify. LXX actually recognizes this problem and reads *to hydōr*, "the water," which creates an agreement between noun and participle in the Vorlage. I follow

nature. This miraculous freshwater current revivifies the Dead Sea with its healing power.[76] Yet, the healing waters do not remove the salt from the swamps and marshes of Israel (47:11). The complete removal of salt from Israel would have presented a problem, so Ezekiel's eschatological vision leaves salt in these isolated locations.

The second extraordinary outcome of Ezekiel's river is the abundant wildlife that it fosters. The proliferation of fauna on land and in the sea echoes the abundant wildlife found in the primordial garden. Ezekiel observes, "And wherever the streams (*naḥălayim*) go, every living creature (*nepeš ḥayyâ*) that swarms (*yišrōṣ*) will live. And there will be very many fish" (Ezek 47:9a). Ezekiel describes the multitude of land creatures supported by this river as *nepeš ḥayyâ*, a phrase repeated in the Genesis creation account (Gen 1:20, 21, 24, 30; 2:7, 19). The movement of these creatures is described with the verb *šrṣ*, another term from the creation account (Gen 1:20, 21). With this language, Ezekiel intentionally echoes the Eden tradition.[77] The great number of fish likewise echo ancient Near Eastern paradisiacal traditions. In both texts and images, the sacred river of paradise has two branches and teems with fish. Ezekiel betrays the influence of this double-river tradition when he uses the dual *naḥălayim* (47:9) instead of the

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LXX at this point, suggesting that MT *'el hayyāmâ* may have been the result of a scribe accidentally misreading/mishearing *hammayim*, "the water," and repeating *hayyāmâ*, which appears immediately before this term. Note that V recognizes this problem of the doubling of *hayyāmâ* and deletes the second occurrence. The problem of number with the participle *hammûṣā'îm* is resolved by following LXX, but the Hophal of *yṣ'*, "to be brought out," still makes little sense in context. S reads *sry'*, "stagnant," here. This reading fits with the suggestion of G. R. Driver, who suggested interpreting the participle as a Hophal of *ṣû'*, "to be stagnant, polluted" ("Linguistic and Textual Problems: Ezekiel [continued]," *Bib* 19/2 [1938]:186-187). I prefer, however, to emend MT to *haḥămûṣîm*, "salted," as a reference to the salty waters of the Dead Sea. This term is graphically very similar to MT but conveys a much better sense in context.

[76] Cf. 2 Kgs 2:19-22, where the verb *rp'* is also used for the purification of water.

[77] See Steven Tuell, "The Rivers of Paradise: Ezekiel 47:1-12 and Genesis 2:10-14," in *God Who Creates: Essays in Honor of W. Sibley Towner*, edd. William P. Brown and S. Dean McBride Jr. (Grand Rapids: Eerdmans, 2000), 172.

singular *nāḥāl*, as elsewhere in the passage (47: 5[2x], 6, 7, 12).[78] Mesopotamian iconography frequently portrays a sacred river that has two branches. And in such images, the two branches of the sacred stream regularly teem with fish like Ezekiel's river.[79] Canaanite mythology also portrays the god El's dwelling at the "source of the two rivers" (*mbk nhrm*) or the "spring of the double-deep" (*'apq thmtm*).[80] The double-stream in Ezekiel's vision supports such abundant wildlife that its power must be miraculous. This river has an impact beyond the natural, creating by divine power the abundant life that surrounds it.

The third and most explicitly miraculous thing produced by the river are the many trees surrounding its banks. Ezekiel observes:

> All kinds of fruit-bearing trees grow by the bank of the stream on both sides. Their leaves do not wither and their fruit does not cease. Each month they produce new fruit for their water flows from the sanctuary. Their fruit is for food and their leaves for healing (*litrûpâ*) (Ezek 47:12).

These trees, with medicinal leaves and fruit year-round, transcend the natural order. Their supernatural abilities communicate the life-giving power of Yahweh's presence in the restored and purified land of Israel.[81] This verdant scene evokes the fruitfulness of Eden, where the streams of paradise supported abundant vegetation.[82] Again Ezekiel's vision reflects wider

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[78] See Daniel Bodi, "The Double Current and the Tree of Healing in Ezek 47:1-12," 26. Note that all the VSS read a singular form here. Zimmerli goes so far as to call the dual form "incomprehensible" (*Ezekiel*, II:507). The singular form, however, should be rejected as *lectio facilior*.

[79] For examples, see Cook, *Ezekiel 38-48*, 265, 267; Bodi, "The Double Current and the Tree of Healing in Ezek 47:1-12," 28.

[80] See Levenson, *Theology of the Program of Restoration of Ezekiel 40-48*, 11.

[81] See Julie Galambush, "This Land is My Land: On Nature as Property in the Book of Ezekiel" in *'Every City Shall Be Forsaken': Urbanism and Prophecy in Ancient Israel and the Near East,* edd. Lester L. Grabbe and Robert D. Haak, JSOTSup 330 (Sheffield: Sheffield Academic Press, 2001), 78; Tuell, "The Rivers of Paradise," 179.

[82] So Block, *Ezekiel*, II:696; Galambush, "This Land is My Land," 78; Tuell, "The Rivers of Paradise," 181.

ancient Near Eastern images of paradise. Again, the Mari investiture panel depicts a seedling tree arising from the jugs held by deities. A seal of Gudea, mentioned above, also depicts several sacred trees sprouting up around the flowing waters.[83] The trees along Ezekiel's river, which perpetually bear fruit and can be used for healing, have become an eschatologically intensified image of tree of life from Eden. No longer just one tree, but many offer abundance and healing to God's people. Daniel Bodi notes that Middle Assyrian and Neo-Assyrian incantations envision a healing tree (the *kiškanū*-tree) at the source of the two rivers of paradise. He argues that this tree plays the role of the tree of life: "It provides the source of life, eternal youth, and its sap flows from the deep regions of the primordial waters-abzu."[84] The New Testament book of Revelation explicitly interprets the trees of Ezekiel's vision as a representation of the tree of life in Eden. The author of the apocalypse states:

> Then the angel showed me the river of the water of life, bright as crystal, flowing from the throne of God and of the Lamb through the middle of the street of the city; also, on either side of the river, the tree of life with its twelve kinds of fruit, yielding its fruit each month. The leaves of the tree were for the healing of the nations (Rev 22:1-2).

Here in Revelation, the one archetypal tree of life is conflated with Ezekiel's multitude of trees flanking both sides of the river. This massive tree likewise bears fruit in every season and has leaves for healing. Ezekiel envisions a land rejuvenated by God's creative, life-giving power. A "better than Eden" will be created when God's implicitly sanctifying presence restores the once defiled and desolate land.

[83] See Cook (*Ezekiel 38-48*, 264) for more information about these images.

[84] Bodi, "The Double Current and the Tree of Healing in Ezek 47:1-12," 34.

Ezekiel envisions a new and better Eden created by the fructifying presence of God in his temple. When God cleanses Israel's defiled land, there is a return to paradise. Yet, this paradise escalates the access restored Israel has to divine blessing. No longer is the tree of life confined to the very center of the cosmic order, the holiest place of divine residence. Instead, the life-giving river flowing from that center has brought life and blessing into the land. Sustenance and healing can be found far from the epicenter of God's presence. God's restored presence in the temple (cf. Ezek 43:1-9) flows outward for restoration, life, and blessing to the entire land.[85] Though Israel had defiled the land, Ezekiel foresaw that Yahweh would one day return to cleanse what his people had defiled. But this cleansing would be far better than a mere restoration. Yes, Yahweh would reverse the consequences of his people's destructive behavior, but he would go beyond mere restoration to re-creation, forming an eschatological paradise in which his people could enjoy extraordinary life and blessing.

5.3 Conclusion

Ezekiel, like the numerous others biblical books we have examined, regards Israel's moral conduct with the utmost seriousness, contending that certain grave offenses defile the land. The book, presenting the perspective of a prophet in exile, views Israel's terrain as already defiled and in need of cleansing. The people have already offended God through their idolatry and bloodshed, resulting in their banishment form Canaan. Strikingly, Ezekiel ties the offenses of bloodshed and idolatry to concerns of impurity through the use of metaphor, describing God's people as an impure menstruating woman (Ezek 36:17). This metaphor, along with the even

[85] See Cook, *Ezekiel 38-48*, 271-272.

more shocking description of idols as "pieces of shit" (*gillûlîm*), drives home the danger of land-defiling offenses with emotional force. Unfortunately for Israel, Ezekiel contends that the people cannot restore their land to its pristine condition. While Pentateuchal texts give some hints that Israel might be able to remove impurities by faithful legal practice, Ezekiel sees the land as impossible to restore by any human means. Only divine intervention can suffice. Thankfully, such intervention is precisely what God promises to his people. The prophet forecasts a day on which God will vindicate his name by gathering and cleaning the exiles so that they no longer rebel against him. And God will turn to the land and make it an abundant paradise, overflowing with resources for his people (cf. Ezek 36:28-30, 33-35). Where other texts present land defilement as a threat to economic prosperity (cf. Deut 21:1-9; Jer 3:1-5), Ezekiel foresees the opposite. The purification of the land by Yahweh produces abundant yield. And this purification takes concrete shape in the closing eschatological vision of Ezekiel. In Ezek 47:1-12, we see a river flowing from the sanctuary, bringing healing to the land stained by its people's deeds (Ezek 36:17-18) and the slain of a great eschatological battle (Ezek 39:11-16). Whatever might defile the territory of Israel cannot maintain its influence in the face of Yahweh's extravagant healing. The book of Ezekiel presents the beleaguered exiles of Judah with hope of return to a rejuvenated land, a home where they will be able to serve Yahweh forever.

Chapter Six

"The Peoples of the Land Have Filled it from End to End with Their Impurity, So Do Not Give Your Daughters to Their Sons" The Defilement of the Land in Ezra-Nehemiah

The defilement of the land is not restricted to the literature of the Hebrew Bible set in the pre-exilic and exilic periods. Even after the exiled population of Judah returns to the land, they remain concerned about the possibility of defiling their territory. Specifically, the defilement of the land appears as a concrete concern in Ezra 9-10. As the community of returned exiles begins to take shape, they encounter a crisis surrounding the intermarriage of the "people of Israel" with the "people(s) of the land(s)." These two distinct groups stand at opposite ends of a polarity constructed by the author of Ezra-Nehemiah.[1] At one end of this spectrum is the "people of Israel" (Ezra 9:1) and at the other are the "people(s) of the land(s)" (Ezra 9:1, 2, 11; 10:2, 11) and "foreign women" (Ezra 10:2, 10, 11, 14, 17, 18, 44).[2] When Ezra learns that returned exiles have started marrying "foreign women" he responds with a lengthy prayer of confession to God (Ezra 9) and then takes action by rallying the communal leaders to terminate these relationships and banish the (theoretically) foreign women along with their children from the community (Ezra 10). As Tamara Eskenazi and Eleanore Judd have observed, some women were rapidly "transformed from spouses to strangers."[3]

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[1] Note that this perspective is shared in the Greek text of 1 Esdras 8:89-90 [92-93]; 9:7, 36.

[2] Note that the "people(s) of the land(s)" and the "foreign women" are together identified as non-Israelite in Ezra 10:2 ("we have married [*wannōšeb*] foreign women from the peoples of the land") and Ezra 10:11 ("separate yourselves from the peoples of the land and from the foreign women").

[3] Tamara Eskenazi and Eleanore Judd, "Marriage to a Stranger in Ezra 9-10," in *Second Temple Studies: Temple Community in the Persian Period*, edd. Tamara Eskenazi and Kent Richards, JSOTSup 175 (Sheffield: JSOT Press, 1994), 285.

In the midst of this crisis, Ezra describes how the non-Israelite inhabitants of the land have polluted it. The text of Ezra 9-10 resonates with numerous themes found in the land-defilement texts treated in the preceding chapters: ideas of moral disgust, demarcating social boundaries, and using ritual language to shape legal realities. According to the author of Ezra-Nehemiah the "people(s) of the land(s)" have polluted the land merely by dwelling in it; their very presence is defiling. To intermarry with this population, and thereby extend their presence across relational space and genealogical time, would only spread such pollution and increase the guilt of Israel.

In order to understand how the author of Ezra-Nehemiah uses land-defilement in this text, we need to develop a clear understanding of the social dynamics at play in Ezra 9-10. First, the author distinguishes between two social groups: "the people of Israel" and the "people(s) of the land(s)." We need to come to a clear understanding of these two populations to understand who was included in Ezra's "in" group and who was considered an "outsider." With this clear definition of the two social groups at play in the text, we can turn our attention to the rationale behind Ezra's ban on intermarriage. Scholars have presented a wide array of theories about the reason for banning intermarriage between Israel and the "people(s) of the land(s)." In order to come to grips with the use of land defilement in this text, we need to understand how and why Ezra prohibited inter-ethnic marriage. Finally, with a clear understanding of the rationale behind Ezra's intermarriage prohibition, we can explore the significance of land defilement in this passage. Here we will see that even after the exile to Babylon, the population of Judah (or at least one segment of it) continued to hold onto ideas of the (im)purity of their land quite similar to those attested elsewhere in the Hebrew Bible.

6.1 Group Identities in Persian Period Yehud According to Ezra-Nehemiah: "The People of Israel" and the "People(s) of the Land(s)"

The intermarriage crisis in Ezra 9-10 rests on a foundational distinction between two groups: "the people of Israel" and the "people(s) of the land(s)." Intermarriage between these two communities sparked Ezra to offer public confession to God and to undertake a dramatic social reform by banishing all the "foreign" wives and their children from the community. In order to understand Ezra's actions and his rationale in using land defilement language, we must come to grips with the identities of these two groups. What did it take to be an Israelite? Who were the people of the land? Were these boundaries fixed? Or were they permeable?

Ezra acts as the religious leader of a group of Judahite returnees from exile in Babylon, who have taken up residence in the Persian province of Yehud, centered on Jerusalem. Nowhere in Ezra-Nehemiah does the author give a straightforward definition of the community's boundaries. The text defines the boundaries of Israelite identity primarily by drawing a sharp contrast with those who are considered "other": the "people(s) of the land(s)." In so doing, Ezra-Nehemiah restricts Israelite identity to those who have returned from exile in Babylon.[4] Those who remained in the land, who may have been able to trace their origins to pre-exilic Israel, could no longer lay claim to membership in the community. The boundaries of Israel were reformulated to correspond with participation in Judah's traumatic exile and hopeful return to their land. Ethnic identity was not purely biological, but socially constructed, shaped by the experience of exile and return.

[4] We nowhere learn from the Hebrew Bible whether exiled Judahite men were intermarrying with Babylonian women (though see the comments on the Al Yahudu archive below). Should marriages to Babylonian women have been accepted (and we are not certain whether this was the case), these wives would have returned to the land with their husbands and may have thereby come to be seen as fellow members of the community in Yehud (not unlike the mixed multitude that left Egypt with Israel in the exodus; cf. Ex 12:38).

Key to the identity of the "people of Israel" is the title given to the community by the local leaders when they approach Ezra with their concerns over intermarriage.[5] They call the people "the holy seed" (*zera' haqqōdeš*).[6] This unique agricultural metaphor marks the population of Israel as distinct and separate from the surrounding peoples. The title "holy seed" demarcates all of Israel as holy. For the author of Ezra-Nehemiah, holiness is not a priestly prerogative, but the inheritance of all Israel. The entire population has taken on the holy status elsewhere reserved for priests.[7] Such holiness operates as a clear boundary demarcating Israel in contrast to "unholy, profane" outsiders. Thus, intermarriage with the surrounding nations becomes more than a purely social or political issue; the author of Ezra-Nehemiah loads these marriages with religious/ideological weight. As when any holy object comes into contact with the profane (cf. Hag 2:12), the holy seed (Israel) loses its sacred status by contact with outsiders. Intermarriage thus threatens the holiness of God's people.

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[5] In Becking's view, these local leaders are not themselves Judahites who have returned from exile, but local Persians officials. He observes that the Hebrew term *śar* used to describe them "refers to a 'ruler over a district: provincial governor' (cf. Neh 3; Est 1:3; 8:9; 9:3). Therefore, in Ezra 9, it does not refer to an undefined group of leaders of the Judeans, but to a Persian authority. The fact that they report the problem to Ezra seems strange at first sight but agrees with the major themes of the Book of Ezra: Ezra had to deal with imperial authority. The narrator claims, in this way, Persian approval for the measures to be taken." Bob Becking, *Ezra-Nehemiah*, HCOT (Leuven: Peeters, 2018), 139; cf. also H. G. M. Williamson, *Ezra, Nehemiah*, WBC 16 (Nashville: Thomas Nelson, 1985), 132.

[6] The term *zera'* similarly describes a nation in Ps 22:24[23]; Jer 23:8; Ezek 20:5; Isa 1:4. Note that Isa 6:13 uses the exact same phrase as Ezra 9:2, "the holy seed" (*zera' haqqōdeš*), to describe a remnant of the people left after God's judgment on Israel. Williamson contends that the appearance of the phrase in Isa 6:13 is a late gloss drawn from the Ezra text. See Williamson, *Ezra, Nehemiah*, 132. The use of "seed" language is striking since it so often refers to offspring in the Hebrew Bible. Yet, as the authors of Ezra-Nehemiah emphasize the "holy seed" of the Yehud community, they are also requiring men who have had children with foreign women to banish their biological "seed" from the community (cf. Ezra 10:3, 44; Neh 13:24).

[7] This approach to holiness contrasts sharply with those priestly texts that identify priests alone as holy (cf. Ex 28:2-3; 29:1, 44; Lev 8:10-12; 21:1-8). See Becking, "On the Identity of the 'Foreign' Women in Ezra 9-10," in *Exile and Restoration Revisited: Essays on the Babylonian and Persian Periods in Memory of Peter R. Ackroyd*, edd. Gary Knoppers and Lester Grabbe, LSTS 73 (London: T & T Clark, 2009), 33.

The post-exilic writer intertwines the nation's holiness with the question of intermarriage by utilizing a biological metaphor: seed. Israel's holy status does not appear for the first time in Ezra-Nehemiah. In the earlier Deuteronomic tradition, Israel is a "holy nation." Holiness in these texts, however, highlights Israel's divine election: "For you are a holy people to Yahweh, your God; Yahweh, your God, chose you from among all the peoples on earth to be his people, a treasured possession" (Deut 7:6; cf. 14:2, 21; 26:18-19; 28:9). Israel becomes holy to Yahweh because he has chosen them as his unique nation. In Ezra-Nehemiah, this earlier politico-religious definition of holiness narrows further to what we might call a biologico-religious application of holiness.[8] The nation remains holy, but its holiness is framed in genealogical terms; the "seed" (a generic Hebrew term for offspring) of Israel is holy. To pollute this seed (i.e. Israel's descendants) would pollute the nation.[9] As Saul Olyan notes, "The unusual expression 'holy seed' suggests a lineage constructed as subject to defilement and requiring vigilant protection from all sources of pollution."[10] Indeed, the specific concern with seed acknowledged in this definition of Israel may reflect earlier religious tradition. Leviticus 19:19 prohibits the sowing of a field with two different kinds of seed; to intermingle two different types of seed offends Yahweh's standards of holiness. The text of Ezra-Nehemiah expands this earlier proscription using its newly minted metaphor: as with agricultural seed, so also with offspring of

[8] See Becking, "On the Identity of the 'Foreign' Women in Ezra 9-10," 31; Saul Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult*, (Princeton: Princeton University Press, 2000), 83; Juha Pakkala, "The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah," in *Changes in Scripture*, edd. Hanne von Weiseenberg, Juha Pakkala, and Marko Marttila, BZAW 419 (Berlin: De Gruyter, 2011), 208.

[9] See Johanna Van Wijk-Bos, *Ezra, Nehemiah, and Esther* (Louisville: Westminster John Knox, 1998), 41.

[10] *Rites and Rank*, 83.

Israel, to mix different types transgresses the standards of Israel's God.[11] As Katherine Southwood has observed, the author generates a "ritualized version of ethnicity," whereby those outside the definition of "Israel" cannot be introduced into the nation because the status of holiness "cannot be achieved, but is inherent, or primordial."[12] Strikingly, this new version of Israelite ethnicity excludes even the children of Judahite men whose mothers did not belong to the community of returned exiles. As a kind of "mixed seed" these children physically embodied the cultural blending that transpired in mixed marriages and like polluted seed, they were cast out. Ezra-Nehemiah has taken earlier conceptions of holiness and tied them to biological descent from a restricted population; the "people of Israel" and their descendants have exclusive claim to holy status.

The description of Israel as a "holy seed" introduces the concept of social boundaries demarcating the nation but does not specify exactly where those boundaries lie. Israel is defined biologically as a "seed" instead of politically as a "nation." But what is required for participation in this "holy seed"? After all, many of those who remained in the land could have (theoretically in principle, even if not in fact) traced their lineage to the residents of Israel and Judah before the exile. Were these individuals excluded from participation in Israel? Or could they join the *golah* community (the returned exiles) on the basis of their genealogy? To answer these questions requires us to examine the identity of the "people(s) of the land(s)" (cf. Ezra 3:3; 4:4; 6:21; 9:1, 2; 10:2, 11; Neh 9:30; 10:29[28], 31-32[30-31]) and the "foreign women" (Ezra 10:2, 10, 11, 14,

[11] See Williamson, *Ezra, Nehemiah*, 132.

[12] Southwood, *Ethnicity and the Mixed Marriage Crisis in Ezra 9-10: An Anthropological Approach*, (Oxford: Oxford University Press, 2012), 131-132.

17, 18, 44; Neh 13:26-27), those who stand outside the boundaries of Israel as defined by Ezra-Nehemiah, and who thereby may not be taken as marriage partners by them.

Ezra 9 first describes the "peoples of the lands" by comparing their behavior to the odious customs practiced by the former inhabitants of Canaan and the adjoining nations:

> The people of Israel, including the priests and the Levites, have not separated themselves (*lō' nibdĕlû*) from the peoples of the lands, whose abominations are like those of the Canaanites (*kĕtô'ăbōtêhem lakkĕna'ănî*), the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites (Ezra 9:1).[13]

This list of Canaanite and surrounding nations is unique in the Hebrew Bible.[14] Though lists of the peoples dispossessed by Israel in the conquest of the land proliferate, the author of Ezra 9 diverges from those precedents in specific ways. Instead of following the traditional lists, the author combines features of various legal precedents from the Pentateuch in what may be one of

[13] Note that there is a text-critical issue involved in the reading of the last nation in this list: the Amorites. 1 Esdras 8:69 reads "Edomites" (*idoumaiōn*) instead of Amorites. In biblical Hebrew, these two readings could easily be confused with one another: *h'mry* (the Amorites) and *h'dmy* (the Edomites). Graphically, either name could have given rise to the other by way of *dalet/resh* confusion, a very common scribal error due to the similar letter forms, along with metathesis. Scholars do not agree which interpretation of the passage ought to be preferred. Some prefer to read "Edomites" because the Edomites were nearby neighbors to the Persian province of Yehud, while the Amorites no longer appeared as an identifiable group in the Persian period. Additionally, they note that Ezra appears to be alluding to Deut 23:4-7[3-6] in this passage (as argued more extensively below) and that this legal precedent regulates Israel's behavior toward the "Edomites" and not the "Amorites." See, e.g., Joseph Blenkinsopp, *Ezra-Nehemiah* (Philadelphia: Westminster, 1988), 174. Those who favor the reading of "Amorites" contend that a scribe either inadvertently or intentionally modified the text to read "Edomites" so that it would better correspond to the political realities of the Persian and Hellenistic eras. (See, e.g., Becking, *Ezra-Nehemiah*, 141.) Williamson (following Van Seters) also suggests that the "Amorites" may have been understood in this period as "Arabs" (*Ezra, Nehemiah*, 131). I prefer to read "Amorites" as the *lectio dificilior* in this text. One can easily imagine how a scribe could have substituted "Edomites" for a text that originally read "Amorites" given the political realities of the post-exilic period, but the reverse seems less plausible because of the absence of any Amorites for centuries in the region.

[14] The lists of Canaanite nations in the Hebrew Bible display a relative degree of variation with a select group of nations. The number of nations listed can extend anywhere from a low of 5 (Ex 13:5; 1 Kgs 9:20//2 Chr 8:7) to a high of 10 (Gen 15:18-21). While the nations included in these lists do vary, nowhere but in Ezra 9:1 do we find the Ammonites, Moabites, or Egyptians (as well as Edomites if that reading is to be preferred). All the other lists (except Gen 15:18-21, which is more expansive vis-à-vis the remaining lists) contain some combination of the Canaanites, Hittites, Amorites, Hivites, Jebusites, Perizzites, and Girgashites (Lists of 5 nations: Ex 13:5; 1 Kgs 9:20//2 Chr 8:7; Lists of 6 nations: Ex 3:8, 17; 23:23; 33:2; 34:11; Deut 20:17; Josh 9:1; 11:3; 12:8; Judg 3:5; Lists of 7 nations: Deut 7:1; Josh 3:10; 24:11).

the earliest examples of drawing together passages from various portions of the Hebrew Bible and allowing them to interpret each other.

The list of nations in Ezra 9:1 reveals some careful exegetical work performed by the author to advance his social agenda. The author of Ezra-Nehemiah seems to draw his rationale in forbidding intermarriage initially from two Pentateuchal texts: Ex 34:11-6 and Deut 7:1-4. Both texts emphasize the danger of marriage with the native peoples of Canaan leading Israel into religious apostasy (see specifically Ex 34:16 and Deut 7:4).[15] Yet, when this legal precedent makes its way into Ezra-Nehemiah the concern with mixed marriages leading Israel to the worship of other gods seems to have faded into the background. The author instead draws attention to the problem of intermingling different "seeds," of the blurring of ethnic boundaries through marriage. As Mary Douglas observes, Ezra "has turned a law against marrying idolaters into a law against marrying any foreigners whatever."[16] The Ezra text further emphasizes this ethnic focus by combining the allusion to Ex 34:11-6/Deut 7:1-4 with an allusion to additional material from Deut 23:4-9[3-8].[17] When the leaders of the community come to Ezra, they add the names of the Ammonites, Moabites, and Egyptians to the typical Pentateuchal list of Canaanite nations. These three additions were prohibited from entering the "assembly of Yahweh" (*qĕhal yhwh*) in Deut 23:4-9[3-8].[18] Ezra 9 expands the list of prohibited marital partners by incorporating these additional nations, thus bringing the list into greater harmony with the social realities of the Persian period, since the Ammonites, Moabites, and Egyptians were in fact

[15] See David Bossman, "Ezra's Marriage Reform: Israel Redefined," *BTB* 9 (1979): 34.

[16] Mary Douglas, "Responding to Ezra: The Priests and Foreign Wives," *BibInt* 10/1 (2002): 7.

[17] See Blenkinsopp, *Ezra-Nehemiah*, 175

[18] Egyptians (and Edomites) could be admitted to the *qāhāl* after the third generation.

neighbors to the province of Yehud with whom some of the returned exiles could have intermarried.[19] The text forbidding Ammonites, Moabites, and Egyptians to enter the assembly has nothing to do with intermarriage in its original setting, but the author of Ezra has creatively combined several legal precedents to expand the list of prohibited marital partners and to bring the text into greater conformity with the social realities of his day.[20] According to Fishbane, this creative exegesis contributes to the decision to expel the "foreign wives" from the community:

> By means of this new association, the contents of Deut 23:4-9 were reinterpreted with respect to intermarriage, and the subsequent legal move−expulsion−follows quite logically: people who were legally barred from admission to the 'congregation of YHWH', but had somehow gained access, were to be expelled.[21]

Thus, the author has used innovative biblical exegesis to advance his social agenda for the community dwelling in the province of Yehud.

This same textual blend of Deut 7:1-4 and Deut 23:4-9[3-8] occurs again later in the chapter in Ezra 9:10-12. Here, the author explicitly alludes to a scriptural precedent in Ezra's confession:

> And now, O our God, what shall we say after this? Indeed, we have forsaken your commandments, which you commanded by the hand of your servants the prophets, saying, "The land which you are entering to take possession of is a land polluted by the pollution of the peoples of the lands, by their abominations whereby they have filled it from end to end with their impurity. And now, do not give your daughters to their sons and do not take their daughters for your sons and

[19] See Michael Fishbane, *Biblical Interpretation in Ancient Israel*, (Oxford: Clarendon, 1985), 116. Juha Pakkala notes that Ezra's development of the Pentateuchal precedent makes the incorporation of Egyptians after three generations impossible. If these peoples cannot marry into Israel, then there is no way that the requirements of Deuteronomy for access to the assembly could ever be fulfilled. "The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah," 207.

[20] Eve Feinstein observes, "Combining the nations mentioned in Deuteronomy 23 with those mentioned in Deuteronomy 7 effectively reinterprets the prohibition of 'entering the congregation of the Lord' as a prohibition of intermarriage and makes all the harsh rhetoric of Deuteronomy 7 applicable to the nations mentioned in Deuteronomy 23 as well." *Sexual Pollution*, 148.

[21] Fishbane, *Biblical Interpretation*, 117.

> do not ever seek their peace or well-being so that you may be strong and eat the good things of the land and cause your sons to possess it forever" (Ezra 9:10-12).

Here, where Ezra brings land defilement into his concern with intermarriage, he alludes to earlier prophetic traditions. Yet, the commandment he claims the people have violated appears nowhere in the Hebrew Bible. Rather, this citation combines elements of Deut 7:1-4 and 23:4-9[3-8] as well as introducing new components derived from Lev 18. Verse 12 displays the clearest echoes of biblical precedent, constituting a nearly direct quotation of Deut. 7:3, which prohibits the giving or taking of daughters in marriage between Israel and the seven Canaanite nations. The command not to "seek their peace of well-being" has been added to the citation by taking material from Deut 23:7 [8].[22] Yet, Ezra 9:11, with its language about abominations and pollution of the land seems not to have been derived from any Deuteronomic precedent.[23] This verse draws instead on the tradition of land defilement found in Lev 18, which warns Israel against the dangers of practicing the "abominations" of the Canaanites and Egyptians (see the discussion of this priestly text in Chapter 2.1). The Leviticus text highlights how the nations before Israel defiled the land with their sexual practices and were thereby "vomited out" by the personified earth. Here, the author of Ezra 9 combines this priestly precedent with the two Deuteronomic texts already identified. By combining the creative exegesis of Deut 7:1-3 and Deut 23:4-9[3-8] with Lev 18 in this way, the author expands Israel's concern with the

[22] See ibid., 117; Eve Levavi Feinstein, *Sexual Pollution in the Hebrew Bible*, (Oxford: Oxford University Press, 2014), 143.

[23] *Pace* Pakkala, who thinks that the language of abomination comes from Deut 18:9. "The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah," 196. If any dependence on Deuteronomy can be argued in this verse, it would be that the phrase "the land you are entering to take possession of" (*hā'āreṣ 'ăšer 'attem bā'îm lĕrištāh*) has been borrowed from Deut 7:1. So Fishbane, *Biblical Interpretation*, 117.

"abominable" Canaanite practices.[24] As Saul Olyan observes, "In Ezra 9:11, the defiling abominations of the Canaanites in Lev 18:26-30 have become characteristic of aliens generally, and are a justification for avoiding intermarriage under all circumstances."[25] The incorporation of Lev 18 further enriches the author's intricate intertextual allusion by supplementing the argument against intermarriage with a concrete social rationale. The author uses this allusion to advance his claim that not just the original inhabitants of Canaan, but all "outsiders" are guilty of abhorrent practices.[26] Such loathsome behavior results in the pollution of the land. Just as the original inhabitants of Canaan defiled their territory, so also those outside the *golah* community in Ezra's day continue to pollute the land, more specifically identified by Ezra as "his [Yahweh's] holy place" (*měqôm qodšô*; Ezra 9:8). Ezra's author undergirds the argument against intermarriage with this social language of abhorrence and disgust. Outsiders, like the Canaanites of old, are inappropriate marriage partners for Israel because their conduct is corrupt and desecrates Yahweh's holy place.

The author of Ezra 9 creatively utilizes Pentateuchal traditions to buttress his innovative restrictions on intermarriage with non-Israelites. None of the legal precedents deals with exactly the same scenario. By combining them together, the author weaves divergent legal traditions into

[24] Many scholars agree that Ezra 9 combines allusions to Deut 7:1-4; 23:4-9[3-8]; and Lev 18. See, e.g., Feinstein, *Sexual Pollution*, 143; Fishbane, *Biblical Interpretation*, 117, 119; Philip Yoo, *Ezra and the Second Wilderness*, (Oxford: Oxford University Press, 2017), 199; Williamson, *Ezra, Nehemiah*, 137.

[25] Saul Olyan, "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community," *JSJ* 35/1 (2004): 3, n. 6.

[26] One of the most surprising features of Ezra's excluding outsiders is the disappearance of the *gēr* "resident alien," from the society of post-exilic Yehud. Pentateuchal legal materials frequently regulate and provide for outsiders to participate in significant ways in the civic and religious life of the nation (cf. Ex 12:48; Lev 19:34; 24:22; Deut 26:12). Such outsiders find no place in the society of Yehud as envisioned by the author of Ezra-Nehemiah.

a single tapestry more comprehensive and complex than any of the original prescriptions.[27] Philip Yoo helpfully notes that the author "accounts for the inadequacy of each of the Pentateuchal legal corpora for addressing Ezra's situation on its own merits and builds a sort of supreme law by combining selected snippets from the different codes."[28] This "supreme law" finds its roots in the biblical tradition, but creates something new: an absolute ban on intermarriage with outsiders.

Ezra's interweaving of various Pentateuchal traditions further demonstrates the sharp divide between Israel and the "people(s) of the land(s)," but these legal precedents still fail to identify specifically whom the author considers as outside the boundaries of Israel. As a result, scholars remain divided concerning the identity of the "outsiders" in this text. Some, following the list of nations in Ezra 9:1, contend that the "foreign women" were members of the nations surrounding Jerusalem; they were actual Ammonites, Moabites, and Egyptians. Others, quite differently, contend that the author intends to focus on the Judahite population that remained in the land during the period of exile. Though they might have some plausible claim to participation in the newly returned *golah* community by reason of common ancestry, they have been marked as outsiders by the composer of Ezra 9.

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[27] Some scholars have noted the implications for the historical development of the Pentateuch in the intertextual allusions found in Ezra 9. That Ezra alludes to passages from Deuteronomy and Leviticus (and possibly Exodus as well [34:11-6]), suggests that the author was aware of some form of the Pentateuch as a whole, or at the very least its legal collections. (See Feinstein, *Sexual Pollution*, 141.) Pakkala has pushed this kind of argument even further by contending that the form of the citations found in Ezra 9 may imply an originally different form of the Pentateuch. He notes that Ezra 9:11-12 (among other texts from Ezra-Nehemiah), "May preserve a quotation from an unknown or early version of a pentateuchal law.… In this case, one would have to assume that the editorial processes of the Pentateuch were much more radical and substantial than what is traditionally assumed." ("The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah," 217.)

[28] Yoo, *Ezra and the Second Wilderness*, 199.

There are several indications in the text of Ezra-Nehemiah that the "people(s) of the land(s)" were actual members of the nations surrounding the returned exiles. In Ezra 4:4, 10 we find some indication that the opposition to constructing the temple came from other political groups. The opposition to construction came from outside the population of Yehud from those who belonged to other political entities.[29] In Neh 13:1-10, Tobiah, an Ammonite (cf. Neh 2:10, 19; 4:3) is forcibly removed from the temple following the public reading of Deut 23:4-9, which indicated that an Ammonite should not enter the assembly of God. Here again, the outsider is identified as such based on belonging to another nation. Later in Neh 13, we find the most explicit concern with intermarriage between the returned exiles and other nations. Nehemiah finds some Judahites who had married women from "Ashdod, Ammon, and Moab" (Neh 13:23). To make matters worse, he adds, "And half their children spoke the language of Ashdod, and could not speak the language of Judah, but only the language of the various peoples" (Neh 13:24). According to Neh 13, then, the foreign wives that the people of Judah had to send away came from the provinces to the west (Ashdod) and the east (Ammon and Moab).[30] Eve Feinstein, a proponent of the view that the foreign wives must have descended from non-Judahite lineages, also observes concerning the list of nations in Ezra 9:1:

> The fact that Ammonites, Moabites, Edomites, and Egyptians are never explicitly prohibited as marital partners in the Pentateuch raises the question as to why the author of Ezra 9:1 chose to invoke these nations at all. The most likely explanation is that Ammonites, Moabites, Edomites, and Egyptians are included because there were, in fact, Ammonites, Moabites, Edomites, and Egyptians in the Persian period, and intermarriage with them was a concern.[31]

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[29] See Feinstein, *Sexual Pollution*, 146.

[30] See ibid., 148.

[31] Ibid., 148. Note that Feinstein reads "Edomites" instead of "Amorites" (cf. n. 13 above).

Thus, while the text of Ezra 9 fails to explicitly name the "people(s) of the land(s)" and the "foreign women" expelled from the community, there are several indications throughout the book of Ezra-Nehemiah that these groups should be identified as non-Judahite in their lineage.

Despite the author's assertion that the wives sent away from Yehud were "foreign," a growing number of scholars contends that these were, in fact, Judahites (and possibly Samarians) who had remained in the land during the exile. First, we should note that the author does not claim that the women with whom Israelite men were intermarrying actually belonged to the nations listed in Ezra 9:1. The verse reads, "The people of Israel, including the priests and the Levites, have not separated themselves from the peoples of the lands, whose abominations are like those of the Canaanites (*kĕtô'ăbōtêhem lakkĕna'ănî*), Hittites, [etc.]." The *kap* preposition prefixed to *tô'ēbâ* ("abomination") indicates that the behavior of the peoples of the lands is merely *like* that of the former Canaanites nations; the author does not assert in this verse that these groups are actual foreigners.[32] Their ethnicity is left open at the beginning of the text. Recent scholarship, drawing on archaeological data and various biblical references, has demonstrated that the Babylonian exile of Judah and the earlier Assyrian exile of Samaria left many, if not most, of the inhabitants of those kingdoms in their land.[33] Some biblical texts, such as Ezek 11:15-23, indicate that those who remained in the land during the exile lost the right to their territory. During the exile, certain biblical writers such as Ezekiel concluded that the *golah* community, residing in Babylon, had the only true right to their inheritance in the land.

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[32] See Tamara Eskenazi and Eleanore Judd, "Marriage to a Stranger in Ezra 9-10," in *Second Temple Studies: Temple Community in the Persian Period*, edd. Tamara Eskenazi and Kent Richards, JSOTSup 175 (Sheffield: JSOT Press, 1994), 268; A. Philip Brown, "The Problem of Mixed Marriages in Ezra 9-10," *BSac* 162/4 (2005): 447; Williamson, *Ezra, Nehemiah*, 126; Feinstein, *Sexual Pollution*, 147.

[33] See Becking, "On the Identity of the 'Foreign' Women in Ezra 9-10," 31-49; Feinstein, *Sexual Pollution*, 146.

According to Ezra-Nehemiah, then, the only community of Israel that exists in the Persian period is the group of those who returned from Babylon. The residents of Judah who never left their land are virtually ignored; according to the author of Ezra-Nehemiah they simply do not exist.[34] As discussed in greater detail below, there were various reasons for social strife between the *golah* community and those who remained in the land (such as the temple, land, political authority, etc.).[35] Thus, the writer of Ezra-Nehemiah may have intentionally excised these social "adversaries" from the people of Israel and grouped them instead with foreigners. For all these reasons, scholars have plausibly suggested that the "foreign women" of Ezra-Nehemiah could have been non-exiled Judahites. Yet, before we adopt such conclusions uncritically, we ought to note with Eve Feinstein that these arguments are all circumstantial, "They indicate the plausibility of the thesis that the 'peoples of the lands' were non-exiled Judahites, but they do not in any way demonstrate that they were, and certainly not that they *all* were."[36]

A third approach to unraveling the identity of the "people(s) of the land(s)" seems most promising: the author gives no regard to who these people *are* (non-Judahite or non-exiled Judahite), but rather to who they *are not*. In other words, the text restricts Israelite identity so tightly to the *golah* community that everyone outside this group, whether of Judahite lineage or not, is "foreign." Sara Japhet attributes this new self-definition to the second exodus ideology

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[34] See Sara Japhet, "People and Land in the Restoration Period," in *Das Land Israel in biblischer Zeit: Jerusalem-Symposium 1981 der Hebräischen Universität und der Georg-August-Universität*, ed. Georg Strecker, GTA 25 (Göttingen: Vandenhoeck & Ruprecht, 1983), 112-113; Feinstein, *Sexual Pollution*, 147.

[35] Becking contends that the population of Yehud that never went into exile was viewed as "foreign" on account of their participation in ritual activity at sanctuaries at the border of Yehudite territory. Such "unusual" ritual behavior may have inflamed the antipathy of the returned exiles centered on the Jerusalem temple. As a result, the author identified these native Judahites as "foreign" or "strange" (*nokrî*) on account of their "otherness." "On the Identity of the 'Foreign' Women in Ezra 9-10," 42-43.

[36] Feinstein, *Sexual Pollution*, 147.

that the returned exiles applied to themselves (and which is discussed in more detail in the following section). The return from Babylon was seen by Ezra and his community as a second exodus; Yahweh delivered his people from foreign captivity and brought them again to Canaan where they encountered the "abominations" of the Canaanites that needed to be eradicated. Japhet observes:

> The encounter with mixed marriages immediately after coming to Jerusalem is Ezra's confrontation with 'the seven nations.' He is faced with the same problem as Joshua upon entering Canaan, and he follows his steps: he wages war against these peoples and their culture.[37]

This new model of Israelite ethnicity bears a stark simplicity like many dogmatic positions. The returnees and their allies constitute "Israel;" those who do not support the leadership of the *golah* community and its agenda are excluded from the community's social and religious life.[38] Thus, Ezra's animosity toward the "people(s) of the land(s)" was not primarily directed at the Judahites who remained in the land. Rather, the dispute was between the Judahite returnees and *everyone* whom they found residing in the land, which the *golah* community believed to be their unique grant from Yahweh.[39] This course of conduct, of course, crystallized the identity of the Judahites who returned from Babylon. In a social setting full of potential ambiguity involving various social groups (returned exiles, non-exiled Judahites, Persian officials, local non-Judahite residents in Yehud and surrounding territories) and religious affiliations, the leaders in Jerusalem act to consolidate the identity of their group vis-à-vis the "outsiders." Daniel Smith-Christopher helpfully notes, "Ezra's action was an attempt at inward consolidation of a threatened

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[37] "People and Land in the Restoration Period," 115.

[38] See Olyan, *Rites and Rank*, 81; Japhet, "People and Land in the Restoration Period," 116.

[39] See Feinstein, *Sexual Pollution*, 149.

minority."[40] The boundaries of Israel were stark and rigid in principle, excluding everyone who could not claim descent through pre-exilic Judah, exile to Babylon, and return (cf. Ezra 2:59-63).

The principle of excluding outsiders, important as it was in the post-exilic period, did not always match the practice of the *golah* community. Israelite identity may have fundamentally consisted in participation in the exile of Judah, but Ezra 6:19-21 and Neh 10:29[28] demonstrate that there was a group of those who "separated themselves (*nibdāl*) from the uncleanness (*ṭum'at*) of the nations of the land" (Ezra 6:21) and participated fully in the religious and communal life of Israel, even partaking of the exclusive Passover celebration.[41] Such texts reveal another social dynamic at play in the *golah* community: the possibility of conversion. Should the Judahites and Samarians still residing in the land accept the authority of the exilic community over the temple, application of God's law, and local political matters they could join "Israel" as defined by Ezra-Nehemiah.[42] Such integration into Israel directly contradicts Katherine Southwood's claim that "people outside the boundary [of Israel] are simply not eligible for status within the Israelite ethnos, even if they adopt the worship of Yahweh. Such a status cannot be achieved, but is inherent, or primordial."[43] Southwood's position accurately reflects the ideology of ethnicity in Ezra-Nehemiah, where the boundary separating "Israel" from the "people(s) of the land(s)" is impermeable. But, as a matter of practice, the *golah* community did, in fact, integrate

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[40] Daniel Smith-Christopher, "The Mixed Marriage Crisis in Ezra 9-10 and Nehemiah 13: A Study of the Sociology of the Post-Exilic Judean Community," in *Second Temple Studies: Temple Community in the Persian Period*, edd. Tamara Eskenazi and Kent Richards, JSOTSup 175 (Sheffield: JSOT Press, 1994), 256. See also Katherine Southwood, *Ethnicity and the Mixed Marriage Crisis in Ezra 9-10*, 129.

[41] Nehemiah 10:29[28] uses the similar phrase, "all who separated themselves (*nibdāl*) from the peoples of the lands."

[42] See Feinstein, *Sexual Pollution*, 149; Japhet, "People and Land in the Restoration Period," 117.

[43] *Ethnicity and the Mixed Marriage Crisis in Ezra 9-10*, 131-132.

some of those who had not returned from exile with them. Their practice did not always measure up to the level of their principles.

To summarize the findings of this section, Ezra's response to the mixed marriages he found in Yehud depends on a stark distinction between Israel and "the people(s) of the land(s)." Drawing on biblical precedent, the author of Ezra-Nehemiah gives Israel's national election by Yahweh a ritual-biological twist: God's people are a "holy seed." That is to say, Israel stands apart from the nations as a Yahweh's holy possession, defined (ostensibly) by biological descent. Of course, as we have seen, some who could have claimed a Judahite or Israelite genealogy may, nevertheless, have been excluded from the community of returned exiles. While Israel's language of self-definition pointed to ancestry as the key to belonging, in principle, legitimate ancestry was quite restricted: participation in and return from exile in Babylon. While there may have been some exceptions to this rule in practice, the fledgling community of exiles in Yehud, supported by the Persian authorities, used the ideological tools at their disposal to define themselves as the sole heirs of Jerusalem, its temple, and the land of Canaan. All others were outsiders, who may have dwelled in the land, but had no legitimate entitlement to it.

6.2 Why Was Intermarriage a Problem?

In Ezra 9, the local officials confront Ezra with the fact that Israel, "the holy seed," has "intermingled" (*hit'ārĕbû*) with the peoples of the lands. Like these communal leaders, Ezra finds this fact deeply troubling, with the result that he publicly mourns (Ezra 9:3-4), makes extensive confession to Yahweh of Israel's sin (Ezra 9:5-15), and takes action by banishing the

"foreign women" and their children from the community (Ezra 10:1-44).[44] Those familiar with the Hebrew Bible will find it no surprise that endogamy would have been generally expected of

[44] Curiously, Ezra responds to the intermarriage crisis by acting against only the foreign women (and their children) instead of both women and men. Surely, if the *golah* community was intermarrying with the local inhabitants of the land, both men and women were engaging in this practice. Yet, Ezra and his colleagues respond to the intermarriages in their community merely by banishing the wives who do not belong to the population of returned exiles along with any children they bore to their Judahite husbands. Some scholars have argued that Ezra (or others in the Persian period) innovatively modified the principle of ethnic descent in the Jewish community by making it matrilineal, perhaps even sowing the seed of later rabbinic Jewish customs of matrilineal descent (see e.g., Arthur Wolak, "Ezra's Radical Solution to Judean Assimilation," *JBQ* 40/2 (2012): 94-104). More probable is the suggestion that ethnic descent in Persian period Yehud was, if not entirely patrilineal as in pre-exilic Israel, at least "bilateral": belonging to the Israelite community required two Israelite parents rather than one. (See Feinsten, *Sexual Pollution*, 154; Hayes, *Gentile Impurities and Jewish Identities*, 32; Olyan, *Rites and Rank*, 89.) Still, a concept of bilateral inheritance does not explain why only women were banished from the community, since men outside the social group could equally impact the Israelite identity of the community. Mark Leuchter has offered an innovative argument for Ezra's rationale in banishing women from Yehud by comparing Ezra 9-10 with the final oracle in Jer 44 (See his "The Exegesis of Jeremiah in and Beyond Ezra 9-10," *VT* 65 (2015): 62-80). This prophetic text addresses the Judahites who fled to Egypt for refuge, but specifically focuses on the women: "All the men who knew that their wives had made offerings to other gods… answered Jeremiah" (Jer 44:15); "And Jeremiah spoke to all the people, that is, all the women" (Jer 44:24, reading the *waw* conjunction as marking an appositional phrase); "You women have declared… 'We will surely perform our vows to make offerings to the queen of heaven and to pour our drink offerings to her" (Jer 44:25). Note that the translation of Jer 44:25 follows the reading of LXX, which interprets the verse as "you women" (*ymeis gynaikes*) instead of MT's "you and your wives" (*'attem ünēšêkem*). MT appears to be the *lectio facilior*, reading the original consonantal text *'tnh hnšym* ("you women") as *'tm wnšykm* ("you and your wives"). Jeremiah emphasizes the role of women in repudiating their ethnic identity as Judahites. Leuchter observes, "The communal repudiation of Jeremiah and the Deuteronomistic tradition in vv. 15-19 makes very clear that the words directed to the prophet are being spoken by the women of the group…. Though the female speakers of these words implicate their husbands as complicit, the chapter positions them as the primary force standing against the terms of YHWH's covenant demands. The implication is that the husbands are here following the lead of the wives; consequently, *their* loss of Israelite identity is a matter of guilt through association" (Leuchter, "The Exegesis of Jeremiah in and Beyond Ezra 9-10," 75). According to Leuchter, then, the author of Ezra-Nehemiah has analogized from this prophetic text to his own situation in post-exilic Yehud. He uses Jer 44 alongside the Pentateuchal legal texts (such as Deut 7 and 24) that support the ban on intermarriage in order to expel female outsiders from the community. Such women threaten Israelite identity on both the genealogical and the religious planes (though note that the worship of the Queen of Heaven seems to involve the entire family in Jer 7:18). Leuchter's argument, as well as those that propose matrilineal or even bilateral inheritance, seems to overlook some sociological realities of family life in ancient Judah that may lead to a simpler conclusion about the expulsion of women from Yehud. If a daughter of the *golah* community were to marry a "foreign man" it might be reckoned a serious wrong, but this marriage would not impact the community since she would become a member of her husband's home and people. To the contrary, should a "foreign" woman marry into the community of Yehud, she would enter her husband's home and became part of his community; her influence, be it religious, moral, or merely biological, would persist. As a result, only intermarriage with foreign women had an abiding impact on the returned exiles, and expulsion of those women from the community was the only means by which Ezra and his colleagues could remove the pollution they had introduced by their membership (See Blenkinsopp, *Ezra-Nehemiah*, 177; Feinstein, *Sexual Pollution*, 154; Olyan, *Rites and Rank*, 87).

To support Ezra's highly irregular activity (banishing wives and children from the *golah* community and thereby dissolving their marriages), the author of Ezra-Nehemiah uses strange language to describe the marriages between Jewish men and "foreign" women (*nś' + l* meaning "to marry" [Ezra 9:2, 12; 10:44]; *yšb* [Hiph.] meaning "to marry" [Ezra 10:2, 10, 14, 17, 18]; *hitḥattēn* meaning "to intermarry" [Ezra 9:14]; *yṣ'* [Hiph.] for "divorce" [Ezra

the Israelites in Ezra's day. Marriage within the kin group or nation proves the rule throughout various biblical sources (cf. e.g., Gen 20:12; 24:1-67; 28:9; 29:1-30; Num 26:59). Yet, numerous cases of exogamy appear in the biblical narratives without any response as dramatic as Ezra's call to send away the non-Israelite wives and their children (cf. the examples of Esau [Gen 26:34-35], Joseph [Gen 41:45], Moses [Ex 2:21], Samson [Judg 14], David [2 Sam 3:3], Solomon [1 Kgs 11:1-4], Boaz [Ruth 3-4]).[45] Marriage outside the social group (whether defined as a family, tribe, or nation) may not have been Israelite custom during the patriarchal period and monarchy, but nowhere do these marriages elicit such a dramatic response as they do after the return from exile. So, what was Ezra's (and Nehemiah's; cf. Neh 13) concern with intermarriage? Why was it necessary for the "foreign wives" and their children to be banished from Israel? Scholars have offered a wide variety of rationales for Ezra's demand to terminate exogamous marriages, ranging from the socio-economic conditions in Persian period Yehud, to religious contamination of the community, and beyond. In the pages that follow, I review the various academic approaches to this problem and describe what I see as the fundamental concern

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10:3, 19]) . The author uses such strange language to support his implicit case that these marriages are illegitimate, requiring no formal divorce proceedings or legal process. We find no such legal response to the intermarriage crisis in Ezra 9-10; Ezra merely sends the women away with no divorce decrees, no financial compensation, and no legal recourse in this dramatic episode. (See Southwood, *Ethnicity and the Mixed Marriage Crisis in Ezra 9-10*, 165-181; Gordon Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi* [Eugene: Wipf & Stock, 1994], 96-97; Williamson, *Ezra, Nehemiah*, 150.)

[45] Smith-Christopher contends that many of these mixed marriages are founded on an apparently "romantic" basis. See especially the example of Samson. Ezra focuses instead on the group and ignores any possibility of romance between Israelite men and their foreign wives. Smith-Christopher notes, "Perhaps we can conclude from this *group* interest in Ezra that the editors are intentionally focusing attention away from the individual level of possible romantic relationships, but with an emphasis instead on the disobedience of 'the people'. This group focus in Ezra… suggests an unwillingness of post-exilic editors to accept 'romance' as an acceptable excuse for mixed marriages." Smith-Christopher, "The Mixed Marriage Crisis in Ezra 9-10 and Nehemiah 13," 254-255. While the editor(s) of Ezra-Nehemiah surely give no credence to romance as an important factor in inter-ethnic marriages, they also, more surprisingly, appear to attribute little value to the family as a unique social unit. Fathers and mothers could be separated, and their children sent away with no hope of restoration of the family. The surprising decision of Ezra seem to give little thought (positive or negative) to questions of romance and instead focus entirely on social issues for the developing *golah* community.

driving the opposition to intermarriage: Israel's status as a holy nation, at risk of being polluted by their profane neighbors.

In recent years, scholars have increasingly tended to describe the intermarriage crisis of Ezra 9-10 as a response to the socio-economic challenges faced by the *golah* community as they sought to establish a foothold in the province of Yehud. Specifically, marriage between returned exiles and the local inhabitants threatened the returnees' possession of the land. J. P. Weinberg has influentially defined the post-exilic community as a *Bürger-Tempel-Gemeinde*, a religious and political social unit defined by patrilineal descent. Real property was distributed according to one's ostensible lineage and participation was denied where such lineage was called into question (cf. Ezra 2:59-63).[46] As Persian authorities inserted the returned exiles into Yehud, these new settlers were sure to encounter conflicts over land with the local inhabitants.[47] Yet, that very land was a defining component of Judahite identity. It was to be "an inheritance to [their] children forever" (Ezra 9:12). Fortunately for the exiles, their claims to the land were buttressed by Persian authorities, who supported their presence in the land and control over the Jerusalem temple (cf. Ezra 1:1-4; 6:1-12; 7:12-26). Nevertheless, exogamous marriages posed a real threat to the *golah* community's continued dwelling in the land. Such marriages could

[46] See J. P. Weinberg, "Die Agrarverhaltnisse in der Bürger-Tempel-Gemeinde der Achämenidenzeit," *Acta Antiqua Academiae Scientiarum Hungaricae* 22 (1974): 473-485. Note however that genealogical relations were not always factual but could be fictively created. Harold Washington observes, "Although the genealogical idiom dominates the accounts of Ezra-Nehemiah, many of the genealogical relations that defined the temple community were fictive expressions of political or social solidarity rather than blood lineage. This is evident in the [*golah*] lists of Ezra 2:1-70//Neh 7:6-63, where groups identified by patrilineage are combined with those identified by geographical location (e.g., Ezra 2:21-35). The fluidity of the [*golah*] concept is evident in the exclusion of some families who were unmistakably part of the exilic group (note the Babylonian place names of Ezra 2:59), while other local groups who dissociated themselves from the 'peoples of the lands' were eventually admitted to the cultic assembly (Neh 10:29; Ezra 6:21)." Harold C. Washington, "The Strange Woman of Proverbs 1-9 and Post-Exilic Judean Society," in *Second Temple Studies: Temple Community in the Persian Period*, edd. Tamara Eskenazi and Kent Richards, JSOTSup 175 (Sheffield: JSOT Press, 1994), 234.

[47] See Washington, ibid., 232.

engender land claims from outside the community, or even threaten the inclusion of returned exiles in the assembly (*qāhāl*) to which the Persians granted tenure in the land.[48] Any children born of mixed marriages would have had a claim to possess the land. Over several generations, land claims from those who lacked "pure" Judahite ethnicity could have "diluted" the population's identity and cohesiveness. As for their non-Judahite mothers, Tamara Eskenazi has thoroughly demonstrated the plausibility of women having membership in the *golah* community, independently inheriting land, and thereafter being capable of disposing of it by observing such practices in the Jewish colony at Elephantine. Several legal texts found in the archives of this contemporaneous Jewish community demonstrate that women could own land independently, apart from the legal authority of any man.[49] While we do not possess exactly comparable documents from Persian Yehud, we do see women playing an influential role in the post-exilic community. They appear prominently in group ancestry (cf. Ezra 2:55//Neh 7:57, where *hassōperet*, "the female scribe" may be a female ancestor; Ezra 2:61//Neh 7:63, where a man takes the family name of his wife; Ezra 8:10, where Shelomith could be a feminine name), group labors (Ezra 2:65//Neh 7:67; Neh 3:12), and even the national assembly (Hebrew *qāhāl*; Ezra 10:1; Neh 8:2-3; 10:29). Perhaps most significantly for concerns of land inheritance and disposal, Neh 5:1-13 explicitly states that women were among the crowds clamoring for financial restoration due to the threat to "our fields, our vineyards, and our houses" (v. 3).[50] Plausibly then, women and/or their children in the community of Yehud, including "foreign wives," could have

[48] See ibid., 235; Kenneth Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah*, SBLDS 125 (Atlanta: Scholars Press, 1992), 239.

[49] See Eskenazi, "Out from the Shadows: Biblical Women in the Postexilic Era," *JSOT* 54 (1992): 25-43.

[50] See Washington, "The Strange Woman of Proverbs 1-9 and Post-Exilic Judean Society," 237; Eskenazi, "Out from the Shadows," 36-42.

taken ownership of land and disposed of it as they saw fit. Wives within the community's boundaries would have attracted no concern because their social network would have been inside the group of returned exiles. Exogamous marriages, however, conjured up the potential for alienating *golah* community lands by distributing them to families outside this narrowly defined populace. Such a scenario posed a real threat to the returnees' continued survival in the land.[51]

Sociological analyses of the mixed marriage crisis shed important light on the realities of life in the post-exilic period. They remind us that legal and religious determinations may be driven not merely by ideology, but also by the material needs of societies. Scholars who focus on the socio-economic background of the post-exilic intermarriage crisis draw attention to the data that may go ignored when merely attending to the biblical text. Yet, they also admit that land tenure was not the sole motivation for the radical social changes taking place in the *golah* community.[52] The overwhelmingly religious tenor of Ezra's ban on intermarriage (see the more extensive discussion below) demonstrates that ideology and religious self-definition played a substantial role in the intermarriage crisis of Ezra 9-10. Additionally, some scholars who write about the socio-economic motivations for banning exogamous marriage assume that the post-exilic community was socially disenfranchised, lacking the economic, political, and social capital of the neighboring peoples. Jacob Milgrom offers a paradigm example:

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[51] Kenneth Hoglund proposes an alternative mechanism by which intermarriage could threaten the returned exiles' claim to the province of Yehud. According to Hoglund, "There are hints in the text that the community possesses land-tenure only at the will of the empire" (*Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah*, 239). Intermarriage could seriously threaten the community if it could cause Persian officials to exclude intermarried individuals and/or their offspring from the number of those entitled to the imperial land grant in Yehud. As Hoglund notes, "The *qāhāl* [assembly] of Ezra-Nehemiah would function as an administrative collective, and failure to be part of the *qāhāl* would mean one could be banished from the province.… Ezra's legal reforms and Nehemiah's anger over the continuing presence of intermarriage would represent a perception of the danger such activity presented to the continuation of the *qāhāl* in Yehud" (ibid., 239).

[52] See Washington, "The Strange Woman of Proverbs 1-9 and Post-Exilic Judean Society," 237.

> During the period of the monarchy, with full political control in the hands of the Israel [sic.] and the Canaanites reduced to a small subservient minority, intermarriages-the relatively few that would occur-would have been one-directional: the *gēr* would have become a worshiper of YHWH, a follower of his laws (e.g., Uriah, 2 Sam 11:11)… This state of affairs would have radically changed in the postexilic era. The relatively few returning exiles would have found the land occupied by many of the neighboring peoples… Under these circumstances, intermarriage would also have been one-directional-pointing the other way. The new *gēr*-politically independent, socially secure, economically better off-would have become a desirable spouse. Israel, though in its own land, was now threatened with assimilation.[53]

This picture of the *golah* community as a marginal, destitute, and threatened minority may not correspond to the historical realities of the time. After all, by the time of the narratives in Ezra 9-10, the community seems to be well-defined (to some at least) with its socio-economic power centered on the Jerusalem temple and backed by Persian authority.[54] Ezra 10:8 puts the power of the post-exilic community on display. Anyone who refused to come to Jerusalem to address the matter of mixed marriages would have his or her property seized and be separated (*yibbādēl*) from the "assembly of the exile" (*qĕhal haggôlâ*).[55] Evidence from Mesopotamia supports the conclusion that the *golah* community had some socio-economic resources. The recently published Al-Yahudu archive demonstrates that Judeans in exile integrated effectively into Mesopotamian society and developed agricultural practices that could, in some cases, become profitable.[56] Some Judeans even took on roles in the imperial administration. For example, we

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[53] Jacob Milgrom, *Leviticus 17-22: A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1585.

[54] See Feinstein, *Sexual Pollution*, 146.

[55] Note that seizure of property and banishment from the community are executed by "the officials and the elders" (*haśśārîm wĕhazzĕqēnîm*). While the elders are clearly leaders in the local patriarchal clan structure, the "officials" have been identified by Becking as Persian officials. If this identification is correct, then the post-exilic community had Persian backing for their religious demands and the seizure of non-compliant community members. See note 5.

[56] The Al-Yahudu texts are primarily economic in nature, consisting mostly of rental contracts, deliveries of grain and dates that are owed or received, collection of taxes and land service, and details concerning the procurement of

find three exiles bearing the title *dēkû*, a low-level tax collector.[57] As these Judean exiles returned to what they believed was their rightful home (unfortunately, we do not know how much of the population made this move), they brought with them some measure of economic resources, social organization, and political support. Their lot in the land was not that of a disenfranchised social minority desperately striving to establish a foothold. Instead, this minority population had the challenge of defining themselves in opposition to the surrounding cultures.

While socio-economic explanations for the ban on intermarriage have garnered attention in recent years, the prevailing scholarly opinion still regards the crisis as a moment of religious self-definition. Ezra bans exogamous marriage in order to defend the *golah* community from an influx of foreign religious elements introduced by non-native wives. Ezra 9-10 makes extensive use of religious terminology to describe the intermarriage crisis: *qōdeš* "holy" (9:2, 8), *tô'ēbâ* "abomination" (9:1, 11, 14), *ṭum'â* "pollution" (9:11), *niddâ* "impurity" (9:11[2x]), *ma'al*

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cattle. The archive extends from year 33 of Nebuchadnezzar (572) until year 9 of Xerxes (477), thus beginning shortly after the exile of Judah and ending before the already well-known Murašu archive, which provides further evidence for Judean economic activity in Babylonia under Persian rule. See the *editio princeps* of a large collection of these texts in L. E. Pearce and C. Wunsch, *Documents of Judean Exiles and West Semites in Babylonia in the Collection of David Sofer*, CUSAS 28 (Bethesda: CDL, 2014). Eleven additional texts were published earlier in F. Joannès. and A. Lemaire, "Contrats babyloniens d'époque achéménide du Bît-Abî Râm avec une épigraphe araméenne," *RA* 90/1 (1996): 41-60; idem, "Trois tablettes cuneiforms à onomastique oust-sémitique," *Transeuphratène* 17 (1999):17-34; W. G. Lambert, "A Document from a Community of Exiles in Babylonia," in *New Seals and Inscriptions, Hebrew, Idumean, and Cuneiform*, ed. M. Lubetski (Sheffield: Sheffield Phoenix, 2007), 201-205; K. Abraham, "West Semitic and Judean Brides in Cuneiform Sources from the Sixth Century BCE: New Evidence from a Marriage contract from Āl-Yahudu," *AfO* 51 (2005/2006): 198-219; idem, "An Inheritance Division Among Judeans in Babylonia from the Early Persian Period," in *New Seals and Inscriptions, Hebrew, Idumean, and Cuneiform*, 206-221. Still at least 135 tablets from these archives remain unpublished. Ninety-five tablets are said to be published by C. Wunsch in BaAr 6, which documents those texts found in the Schøyen collection. About forty of the tablets were confiscated by the Iraqi Antiquities Authority and are to be published also in the series BaAr by A. F. Al-Bayati. See also the review of Pearce and Wunsch in C. Waerzeggers, Review of L. E. Pearce and C. Wunsch, *Documents of Judean Exiles and West Semites in Babylonia in the Collection of David Sofer*, STRATA 33 (2015): 179-194.

[57] See L. E. Pearce, "Continuity and Normality in Sources Relating to the Judean Exile," *HeBAI* 3 (2014): 176. Note also C. Wunsch, "Glimpses on the Lives of the Deportees in Rural Babylonia," in *Arameans, Chaldeans, and Arabs in Babylonia and Palestine in the First Millennium B.C.* edd. A. Berlejung and M. P. Streck. Wiesbaden: Harrassowitz, 2013), 247-260.

"sacrilege" (9:2, 4; 10:2, 6, 10), *'āšēm/'ašmâ* "guilt, guilt offering" (9:6, 7, 13, 15; 10:10, 10:19[2x]), *bdl* "to separate" (9:1; 10:8, 11, 16), *'rb* "to intermingle" (9:2).[58] More specifically, when the leaders approach Ezra with the problem of exogamous marriage, they state, "The people of Israel, including the priests and the Levites, have not separated themselves (*nibdĕlû*) from the peoples of the lands, whose abominations (*tô'bōtêhem*) are like those of the Canaanites, [etc.]" (Ezra 9:1).[59] Those who view the intermarriage conflict as purely religious interpret these "abominations" as the worship of foreign deities and/or idols by the neighboring populations. As a result, the problem of intermarriage had nothing to do with ethnicity but was purely an effort on the part of officials in Jerusalem to safeguard Yahwistic religion (especially the priests and Levites) from syncretism and "pollution."[60] The only truly significant boundary defining the *golah* community was their version of religious orthodoxy, which could have been threatened by intermarriage with women who did not hold to similar customs.

Those who argue that intermarriage was opposed for religious reasons do not completely ignore the social realities of life in the *golah* community. The threat of foreign religious influence could erode the distinctiveness of Israel in the midst of the neighboring peoples. Thus,

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[58] Note that the term *niddâ* refers in earlier periods to menstrual pollution, but by the post-exilic period it has come to function as a synonym for *ṭm'* "impure, unclean, polluted" (cf. 2 Chr 29:5). See Feinstein, *Sexual Pollution*, 181-183; Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 45.

[59] The specific mention of priests and Levites among those who have married foreigners draws attention to the pervasive extent of the intermarriage crisis. Not only have average Israelites bound themselves in marriage to outsiders, but the religious elites have also intertwined their own livers with those of women from outside the community. In fact, the priests who have married foreign women offer a reparation offering (*'āšām*) for their offense (Ezra 10:18-19).

[60] See e.g., Jonathan Klawans, *Impurity and Sin in Ancient Judaism*, 44-45; Brown, "The Problem of Mixed Marriages in Ezra 9-10," 448-449; Armin Lange, "Your Daughters Do Not Give to Their Sons and Their Daughters Do Not Take for Your Sons (Ezra 9,12): Intermarriage in Ezra 9-10 and in the Pre-Maccabean Dead Sea Scrolls," *BN NF* 139 (2008): 202-203; Gerald Klingbeil, "'Not So Happily Ever After…' Cross-Cultural Marriages in the Time of Ezra-Nehemiah," *Maarav* 14/1 (2007): 39-75; Beth Glazier-McDonald, "Intermarriage, Divorce, and the Bat-'ēl Nēkār: Insights into Mal 2:10-16." *JBL* 106/4 (1987): 610, n. 43.

by prohibiting intermarriage with foreign women, the community leaders sought to stave off cultural assimilation. Separation from other cultures and religions would preserve the identity of the returned exiles.[61] Philip Yoo, for example, observes that Ezra opposes foreign wives for fear that they will initiate an infiltration into the recently established Yahwistic cult: "The worst-case scenario is that the foreigners will grow to a sizeable population and overtake the Yahvistic [sic.] cult-abiding Israelites and the reconstructed house of YHVH."[62] For Yoo, the social boundaries are defined by religion not simply because foreign religious practices pose an inherent threat, but because they could eventually result in a takeover of the Jerusalem temple and its cult. Ezra strives to prevent any outsiders from having access to and/or control over the center of religious life in Yehud.

Perhaps the most convincing attempt to connect Ezra's ban on intermarriage with religious concerns can be found in an article by Gary Knoppers, where he discusses the intertextual allusions between Ezra 9 and its Deuteronomistic antecedents.[63] In his view, the Deuteronomistic history, like Deuteronomy before it, connects intermarriage and religious apostasy. As one reads through the Deuteronomic history from beginning to end, the breakdown in Israel's relationship to Yahweh and the beginning of their worship of foreign gods takes place in Judges 3. The vehicle by which this religious apostasy takes place is intermarriage with the Canaanites: "They took their daughters as wives for themselves and their own daughters they gave to their sons. And so, they served their gods. The people of Israel did evil in Yahweh's

[61] See Paul Heger, "Patrilineal or Matrilineal Genealogy in Israel after Ezra," *JSJ* 43 (2012): 218-219.

[62] Yoo, *Ezra and the Second Wilderness*, 181.

[63] Gary Knoppers, "Sex, Religion, and Politics: The Deuteronomist on Intermarriage," *HAR* 14 (1994): 121-141.

sight by forgetting Yahweh their God and serving the Baals and Asherahs" (Judg 3:6-7). The history of apostasy and intermarriage as intertwined themes continues through the Deuteronomistic history. Think, for example, of Solomon's many foreign wives and how they introduced the worship of other gods or how Ahab's marriage to Jezebel brought state support to the worship of Baal. The legal ban on intermarriage with the original inhabitants of Canaan (cf. Deut 7:1-4) was interpreted and expanded by the Deuteronomistic history to apply to numerous other groups (e.g., Jezebel was a Phoenician, not included in the list of those forbidden nations). Thus, Knoppers observes:

> As important as the legal precedent and the history of its violation were, the Deuteronomistic History also provided Ezra and Nehemiah with a hermeneutical precedent, a pattern of exegesis on intermarriage which included selection, adaptation to new circumstances, and synthesis of older lemmata to achieve new ends.… Given this process of adaptation and extension of tradition, the exegetical maneuvers of Ezra and Nehemiah do not appear as entirely innovative.[64]

Knoppers insightfully observes that the author of Ezra-Nehemiah sees the dangerous pattern of intermarriage on display in the Deuteronomistic history. Intermarriage introduces idolatry, which leads Israel into apostasy. This apostasy then resulted in the exile of Israel and Judah. Should the people repeat this pattern, they would endure the very same judgment. In his prayer, Ezra expresses a pointed awareness of God's grace to the "remnant" (*pĕlêṭâ*) who have returned from exile (Ezra 9:8-13) and the danger of once again suffering his judgment should they intermarry with the neighboring peoples again (Ezra 9:14).[65] Thus, the author of Ezra-Nehemiah sought to preclude the danger of repeated judgment by cutting off those marriages to foreigners that existed in the community. The practice of breaking up marriages and family units was a new

[64] Ibid., 136-137.

[65] See ibid., 137.

development in the post-exilic period, not present in its literary antecedents. Yet, Knoppers notes that Ezra's action in this passage is not completely radical. Instead, the author has "extended, rather than created, an interpretive trope. The author of Ezra-Nehemiah simply exploited older patterns of exegesis to new advantage."[66] In Knoppers' view, then, the rationale behind breaking up mixed marriages in Ezra 9-10 was religiously motivated, but not simply by a desire to keep foreign religious practices away from the community and to prevent assimilation to the surrounding peoples. The *golah* community (or at least the author of Ezra-Nehemiah) was also driven by fear of divine judgment and return to Babylon. The threat of a second exile and the loss of all they had hoped in for decades was enough to spur the community to dramatic action.

Despite these claims that the intermarriage crisis was primarily a religious dispute, Ezra 9-10 strikingly makes no mention of any religious concerns about the "foreign wives" who were to be removed from the community. The closest the text ever comes to identifying the women's religious behavior is the observation of their "abominations" in Ezra 9:1 and the involvement of the priests and Levites in such marriages. Yet, Ezra 9:1 omits any concrete description about what those abominations are. Eve Feinstein suggests that this omission was deliberate on the part of the author:

> Ezra's failure to specify the nature of the abominations of which the locals stand accused is probably deliberate. Specifying particular motivations would invite the objection that *some* foreigners--those whose religion and sexual mores were compatible with those of the returned exiles--would be acceptable marriage partners. This would undermine Ezra's goal, which was to exclude everyone who was not a member of the 'congregation of the exile.'…The word 'abomination,' and the associated concept of pollution, thus has a very different function in Ezra 9 from their [sic.] function in Leviticus 18. Whereas Leviticus 18 invoked foreign

[66] Ibid., 138.

> peoples in order to stigmatize particular behaviors, Ezra 9 invokes a general category of rejected behaviors in order to stigmatize particular people.[67]

While Feinstein's proposal may seem overly subtle to some, there is good reason to see the omission of specific religious references in Ezra 9 as deliberate. The author makes a clear allusion in Ezra 9:1, 11-12 to Deut 7:1-4 (as discussed above). Yet, when the Deuteronomy text prohibits intermarriage with the inhabitants of Canaan, it explicitly makes note of the religious danger such exogamous marriage presented: "For that [intermarriage] would turn your children away from following me [Yahweh] to serve other gods" (Deut 7:4a). Nowhere does the Ezra text state that the "people(s) of the land(s)" would lead the *golah* community to serve other gods. The omission cries out for explanation. The author of Ezra-Nehemiah appears to have omitted this portion of his source text intentionally, perhaps in the interest of focusing attention on the ethnicity of the women in question instead of their religious practices, as Feinstein suggests.

Christine Hayes has taken the religious argument for banning intermarriage in a unique direction by tying post-exilic conceptions of purity to genealogy. She contends that Ezra and (at least some of) the post-exilic community possessed a notion of "genealogical impurity," a specific brand of ritual concern that classifies certain individuals as pure or profane based on their lineage. In developing this theory, Hayes depends heavily on the earlier work of Jonathan Klawans, who distinguishes between ritual and moral (im)purity.[68] She adds her concept of genealogical (im)purity to Klawans' ritual and moral categories as a third type operating in the

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[67] *Sexual Pollution*, 152; see also Carly Crouch, "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective." *VT* 65 (2015): 516-541. In Crouch's article, she describes in detail how the concept of abomination was employed by biblical authors for the formation of social boundaries. That which was "abominable" was "other," characteristic of outsiders and thus inappropriate for the people of Israel.

[68] See Klawans, *Impurity and Sin in Ancient Judaism*.

post-exilic period. Hayes draws attention to two major facts in developing her thesis: 1) Ezra-Nehemiah defines intermarriage in terms of defilement and purification; 2) the book simultaneously defines Jewish identity in "almost exclusively genealogical terms."[69] Hayes observes that genealogical impurity *per se* is not invented in Ezra-Nehemiah; it has earlier biblical antecedents in the regulation of (high) priestly marriage in the Pentateuch (cf. Lev 21:7, 9, 14-15).[70] In those earlier legal texts, the holiness of priests restricts the range of women they are permitted to marry. Should a priest marry outside the circle of those allowed to him, he would then "profane his offspring" (*yĕḥallēl zar'ô*), that is to say, his offspring would no longer be holy like him. According to Hayes, Ezra then expands this conception of holiness to the people as a whole. By intermarrying with outsiders, the "holy seed" of the *golah* community would produce a "profane seed," children of mixed ethnicity, who no longer belong to the pure community of returned exiles. Hayes observes:

> Elaborating on earlier Pentateuchal and prophetic themes, Ezra advanced the novel argument that *all* Israel−not merely the priestly class−is a holy seed distinct from the profane seed of Gentiles. According to Ezra, genealogical purity is required of all Israelites to guard against 'profanation' of holy seed. Concomitantly, because holy and profane seed cannot be mixed, the boundary between Jew and Gentile was declared by Ezra to be impermeable. Intermarriage became impossible. Indeed, as a desecration of holy property, it was seen as a serious offense against God.[71]

Ezra's novel concept of the people's holiness is further demonstrated in the use of the term *ma'al* "sacrilege" to describe the offense of intermarriage (cf. Ezra 9:2, 4; 10:2, 6, 10). Jacob Milgrom

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[69] Christine Hayes, Genti*le Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud*, (Oxford: Oxford University Press, 2002), 7, 10.

[70] Ibid., 27. Note that Neh 13:28-30 describes the intermarriage of priests as defiling the priesthood.

[71] Ibid., 10; cf. 28, 33.

has demonstrated that *ma'al* as it is used in priestly texts (which clearly influenced Ezra-Nehemiah) describes the desecration of holy things.[72] When the writer of Ezra-Nehemiah uses *ma'al* to describe the impact of intermarriage on the Israelites, he displays his assumption that Israel is a holy thing able to be polluted through this kind of contact with outsiders. When the "holy seed" intermarries with foreign, profane seed it becomes defiled. Yet, once the holy seed becomes polluted by intermingling with the profane, it cannot be restored to its holy condition. According to Hayes, the author of Ezra-Nehemiah recognizes that genealogical impurity, unlike ritual or moral impurity, cannot be rectified. One cannot undo his or her genealogy to correct any impurities it contains.[73] The danger of such pollution implies that the *golah* community needed to carefully safeguard its boundaries. Intermarriage with the neighboring peoples posed a threat to Israel's identity; with each successive intermarriage, the remaining group of "pure" Israelites would diminish with time. For Hayes, then, Ezra's campaign against intermarriage builds on a religious foundation, but draws a much firmer boundary between Israel and the surrounding nations. The text strictly divides between distinct people groups on the basis of genealogy, not religious practice. Conversion to the religion of the returned exiles could not purify one's genealogy and thereby integrate someone with "impure" seed into the people.[74]

Another potential impetus for the ban on intermarriage in Ezra 9-10 finds its roots in the *golah* community's claim that they were experiencing a second exodus from captivity

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[72] Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 345-356; see Hayes, ibid., 29.

[73] See ibid., 32-33.

[74] Note, however, that genealogies were used in ancient Israel as literary devices to incorporate sometimes foreign people into the social group. Additionally, Ezra 6:19-21 and Neh 10:29[28] demonstrate that some who participated fully in the religious life of the *golah* community were, in fact, outsiders who committed to the religious life of their neighbors returned from exile.

comparable to Israel's former exodus from Egypt. If they were repeating the exodus experience of their ancestors, then the returned exiles likewise needed to keep themselves pure by refusing to intermingle with the native inhabitants of the land. Just as Yahweh delivered the Israelite slaves from their bondage in Egypt, so the return from Babylon was interpreted by some biblical writers as a second exodus deliverance.[75] Ezra reflects these concerns in his prayer of repentance. He states:

> But now for a brief moment grace has been shown by Yahweh our God in leaving us a remnant (*pĕlêṭâ*) and giving us a secure hold (*yātēd*)[76] in his holy place, in our God brightening our eyes, and in giving us a little revival in our slavery (*bĕʿabdutênû*). Even though we are slaves (*ʿăbādîm*), our God has not forsaken us in our slavery (*bĕʿabdutênû*), but has extended to us steadfast love before the kings of Persia by reviving us to erect the house of our God and to erect its ruins and by giving us a protective wall in Judah and Jerusalem (Ezra 9:8-9).

Ezra reflects on the fact that the *golah* community are slaves, who have received mercy and deliverance from God, when as a matter of fact they never served the Babylonians as slaves.[77] Several other features of Ezra-Nehemiah echo the exodus narrative and connect the experience of the returned exiles to that of their ancestors liberated from bondage in Egypt.[78]

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[75] The most striking biblical example of this ideology outside Ezra-Nehemiah can be found in Second Isaiah (Isa 40-55). For further discussions see the commentaries of Claus Westermann (*Isaiah 40-66*, trans. D.M.G. Stalker, [Louisville: Westminster John Knox, 1969]), Brevard Childs (*Isaiah*, OTL [Louisville: Westminster John Knox, 2001]), and Shalom Paul (*Isaiah 40-66: Translation and Commentary* [Grand Rapids: Eerdmans, 2012]), as well as the thematic survey offered by Bryan Estelle (*Echoes of Exodus: Tracing a Biblical Motif*, [Downers Grove: IVP Academic, 2018], 149-181).

[76] The term *yātēd* literally means "tent peg" but the majority of scholars agree that the term is used metaphorically to describe the security of the *golah* community in the land where they have been restored by God. See, e.g., Williamson, *Ezra, Nehemiah*, 135-136; Blenkinsopp, *Ezra-Nehemiah*, 181; Jacob Myers, *Ezra : Nehemiah*, AB 14 (Garden City: Doubleday, 1965), 75.

[77] We have extensive evidence from the Neo-Babylonian period that the exiled Judahites played an active role in Babylonian society as farmers and low-level administrators. See the reference to the Al-Yahudu texts in note 56 above.

[78] For a brief but detailed discussion, see Klaus Koch, "Ezra and the Origins of Judaism," *JSS* 19/2 (1974): 184-189. A much more extensive and thorough discussion can be found in Yoo, *Ezra and the Second Wilderness*.

First, Ezra intentionally departs from Babylon on the first day of the year (cf. Ezra 7:9), the very same date that marks the beginning of Israel's exodus from Egypt (cf. Ex 12:2; Num 33:3).[79] The text demonstrates Ezra's deliberate decision to depart on the date of the exodus in Ezra 7:10. This verse uses the *kî* conjunction to root the rationale for departure in Ezra's study of Yahweh's law (*tôrat yhwh*): "For Ezra set his heart to study the law of Yahweh and to do it…" (Ezra 7:10a). As Koch observes, "From interpretation of the Torah Ezra gains the date of the departure of his group and also the understanding of the journey as a cultic procession ."[80]

Second, the author of Ezra-Nehemiah portrays the return from Babylon as a second exodus by connecting the people's return to the land with their establishment of a new holy place for the worship of Yahweh. When Israel was delivered from Egypt, they brought with them great amounts of silver and gold so that they could furnish the Tabernacle, Yahweh's sanctuary, to be built in the wilderness (cf. Ex 3:22; 11:2; 12:35; 35:4-29). In the narrative of Exodus, once Israel reaches Mt. Sinai, nothing receives more substantial literary attention (by length) than the layout and construction of the Tabernacle and its accoutrements (cf. Ex 25:1-28:43; 30:1-10, 17-38; 31:1-11; 35:30-40:35). The very beginning of Ezra displays a similar concern with constructing the holy place of Yahweh in the decree of Cyrus: "Whoever is among you of all his [Yahweh's] people, may his God be with him and let him go up to Jerusalem in Judah and rebuild the temple of Yahweh, the God of Israel. He is the God who is in Jerusalem" (Ezra 1:3; see more broadly 1:1-4). Not only do the exiles themselves return from Babylon to build the temple in Jerusalem,

[79] Bossman, while observing that the departure on the first of the year links Ezra's departure to the Ezra intertextually, also notes that Ezra makes a point of including the Levites on the journey to Jerusalem. For Bossman, this insistence suggests that this second experience of deliverance would be priestly in nature. See Bossman, "Ezra's Marriage Reform: Israel Redefined," 38.

[80] Koch, "Ezra and the Origins of Judaism," 186.

but they also bring with them precious wares to equip the new temple, some of which were their own property and others the vessels of the first temple furnished by Cyrus out of the stores in Babylon (cf. Ezra 1:5-11). Thus, by drawing attention to the sanctuary construction, the author of Ezra-Nehemiah draws a link between the exodus from Egypt and the return of the exiles from Babylon.

Third, Ezra-Nehemiah draws attention to Ezra's mission as a second exodus by casting Ezra, the scribe, as a kind of second Moses/Joshua figure. Ezra functions preeminently as a scribe and teacher of the "law of Moses" (cf. Ezra 7:6). He also restores the observation of the Feast of Tabernacles to the condition in which it was observed in Joshua's day (Neh 8:17).[81] More importantly for the argument of this section, however, Ezra also leads Israel in a kind of second conquest, a renewed confrontation with the inhabitants of Canaan. The list of nations in Ezra 9:1 clearly alludes to the peoples dwelling in the land at the time of Israel's exodus and conquest, as observed above. This literary echo places Ezra and the returned exiles in a position similar to that of Joshua and the escaped Israelite slaves: both waged war on the land's native inhabitants and their culture.[82] The ban on intermarriage, then, in the view of those who contend that Ezra's driving motive was the second exodus ideology, was a ban similar to that imposed by Joshua on the Canaanites. Just as Israel could not intermingle or intermarry with the inhabitants of the land during the original conquest, so also in the midst of Israel's "second exodus," the people could no more associate with their "Canaanite" neighbors. In fact, Philip Yoo contends that the author of Ezra-Nehemiah aims to depict Ezra and the *golah* community as more

[81] See ibid., 188.

[82] See Japhet, "People and Land in the Restoration Period," 115; Van-Wijk-Bos, *Ezra, Nehemiah, and Esther*, 40-41; Yoo, *Ezra and the Second Wilderness*, 169.

successful in their separation from the indigenous peoples than the generation that wandered the wilderness and entered Canaan. The returnees are:

> a generation that supersedes their wilderness predecessors in every way possible.… With the separation from all foreigners and the completion of Ezra's mission within a single calendar year, EM [the Ezra Memoir, a source text used by the author of Ezra-Nehemiah] presents Ezra as a more capable and effective legislator than Moses. By extension, the returnees are presented as not only a more faithful community than the wilderness generation but also the ideal representation of the post-exilic Yahvistic [sic.] cult.[83]

The ban on intermarriage, then, could be conceived as an ideological tool that tapped into Israel's history to portray the *golah* community as pure and faithful servants of Yahweh. To intermarry with the Canaanites would have compromised the returnees' faithfulness to God and threatened them with renewed judgment and banishment from their home (cf. Ezra 9:13-14). The second exodus deliverance from Babylonian captivity may have been a great blessing to Ezra and his contemporaries, but it also demanded that they strive diligently to guard themselves against the errors of former generations.

Finally, one last approach to Ezra's ban on intermarriage contends that marriage to the "people(s) of the land(s)" had to be prohibited to preserve the sanctity of Israel as a priestly nation dwelling in Yahweh's holy place. Two primary factors inform such an approach to the intermarriage crisis. First, some scholars contend that the language of Ezra 9-10, especially the use of the term *ma'al* ("sacrilege") and the *'āšām* sacrifice the people make demonstrate that the author considers the *golah* community to be holy. The people of Israel itself has become a sacred thing that must be guarded from defilement by outsiders. Second, scholars have also noted that Ezra-Nehemiah focuses intently on the construction and safeguarding of Yahweh's holy place.

[83] Yoo, ibid., 201.

Yet, the holy space where Yahweh resides expands from the temple to the city of Jerusalem and is intimately connected with the holy people (the *golah* community) who reside in it. Together these two features of the text highlight the danger of intermarriage as a practice that threatens the holiness of God's people and his sanctuary.

Several features of Ezra 9-10 demonstrate that the author considers the *golah* community to be holy. First, as noted above in the discussion of Christine Hayes' theory of genealogical impurity, scholars like Jacob Milgrom have contended that the use of *ma'al* in Ezra 9-10 indicates that the people are holy. In the priestly material of the Pentateuch, *ma'al* is used for sacrilege against holy things (Lev 5:15-26 [5:15-6:7]). Yet, according to the Priestly source, the people of Israel is not holy; only priests and Nazirites (temporarily) can claim this status.[84] The author of Ezra-Nehemiah, however, combines the priestly conception of sacrilege with the Deuteronomic perspective that Israel is a "holy people" (cf. Deut 7:6; 14:2, 21; 26:19; 28:9 and the discussion in the previous section) to arrive at the conclusion that Israel is a sanctum capable of desecration.[85] The "holy seed" (Ezra 9:2) must be protected from defilement by carefully safeguarding its boundaries. Yet, the community leaders confront Ezra with an infraction that has already been committed by Israel. The returned exiles have already desecrated themselves by

[84] See Milgrom, *Leviticus 1-16*, 359; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995), 180-181.

[85] See Hannah Harrington, "The Use of Leviticus in Ezra-Nehemiah" (paper presented at the Annual Meeting of the SBL, Chicago, IL, 21 November 2012; Revised 11 May, 2013), 8-9. Note that Milgrom contends this view of the people as holy is adopted from Deuteronomy and not the Holiness material found in Leviticus, even though the latter body of literature clearly defines the people as holy like Deuteronomy (See *Leviticus 1-16*, 359; *Leviticus 17-22*, 1585). Katherine Southwood, by way of contrast, contends that Ezra merges the ideas of holiness found in both D and H (*Ethnicity and the Mixed Marriage Crisis*, 126). For the purposes of this discussion, the source of Ezra's view that the people is holy is ultimately unimportant. At the very least, it seems quite difficult to deny Ezra's dependence on Deuteronomic thought because of the numerous clear allusions to this body of literature discussed in previous sections of this chapter.

their intermarriage with the surrounding peoples. This explains why the priests who had married "foreigners" were required not only to send their wives away, but also to offer a ram as an *'āšām* sacrifice (Ezra 10:18-19). In priestly literature, the *'āšām* is necessary only in cases of sancta desecration (cf. Lev 5:15-26 [5:15-6:7]). When one defiled or otherwise defamed a holy person or object, he needed to offer an *'āšām* for forgiveness and restoration. Thus, the author of Ezra-Nehemiah has conceived of marriage to aliens as a form of sacrilege that desecrates the "holy seed."[86] This theological development proves quite remarkable. Ezra utilizes earlier biblical precedent to establish and police the ethnic boundary of the *golah* community. As Southwood observes:

> Holiness serves as an ethnic boundary and a restriction, or control, on group membership. The (emic-level) implication inherent in such a self-definition is that those who are not within the boundaries—that is, the 'foreign' 'people of the land' group—of the 'holy' community are impure, and a source of chaos and disorder.… Ezra transforms the language of holiness by applying it to ethnicity. The terms are used in an exclusionary, polemical sense, and through this ethnicity is communicated in the guise of ritualized religious regulation.[87]

In other words, Ezra's new conception of holiness defines not merely the boundaries around holy objects and spaces in ways traditionally associated with the worship of Yahweh; he repurposes holiness as a tool for demarcating Israel's identity.[88] What makes a person "Israelite" is the possession of this holy status, participation in the "holy seed." Holiness, then, comes to define Israelite ethnicity and, simultaneously, the "otherness" of all outsiders.

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[86] See Olyan, "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community," 3.

[87] *Ethnicity and the Mixed Marriage Crisis*, 126-127.

[88] See Carly Crouch, "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective." *VT* 65 (2015): 516-541.

The danger of pollution by intermarriage in Ezra-Nehemiah compromises not merely the holy people, but also the holy space of Yahweh. Before Israel's exile to Babylon there was only one holy space that needed to be protected from desecration: the temple. The author of Ezra-Nehemiah greatly expands the sphere of holiness for the returned exiles. One of the key themes of the book is the construction of Yahweh's house. Yet, by the end of Ezra 6, the temple and its altar have been completed, and one would expect the book to conclude there, introduced as it is by Cyrus' programmatic decree to build Yahweh's house in Jerusalem (Ezra 1:1-4). But the author creatively carries on the narrative in Ezra-Nehemiah to show that the "house of Yahweh" has become much larger than the temple. The city of Jerusalem partakes in the temple's holiness and becomes its own kind of sanctuary.[89] The very literary structure of Ezra-Nehemiah highlights the expansion of God's house from the temple out to the city and even the community:[90]

I. Programmatic Introduction: Cyrus' Decree to Build Yahweh's House (Ezra 1:1-4)
II. Building the House of Yahweh
    A. Construction of the Altar and Temple According to Torah (Ezra 1:5-6:22)
    B. Ezra and the Elders Build the Community According to Torah (Ezra 7:1-10:40)
    C. Nehemiah and the Judeans Build the Wall of Jerusalem (Neh 1:1-7:5)
    D. Dedication and Purification of the Holy Community According to Torah (Neh 7:6-13:31)[91]

[89] See Jan Clauss, "Understanding the Mixed Marriages of Ezra-Nehemiah in the Light of Temple-Building and the Book's Concept of Jerusalem," in *Mixed Marriages: Intermarriage and Group Identity in the Second Temple Period*, ed. Christian Frevel, LHBOTS 547 (London: T & T Clark, 2011), 118.

[90] On the people as a kind of "house of God" see Tamara Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, SBLMS 36 (Atlants: Scholars Press, 1988), 62-63; Kenneth Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah*, SBLDS 125 (Atlanta: Scholars Press, 1992), 226.

[91] For a more detailed outline of the book's contents see Tamara Eskenazi, "The Structure of Ezra-Nehemiah and the Integrity of the Book," *JBL* 107/4 (1988): 641-656, esp. 652.

Israel, in Ezra-Nehemiah, has an enhanced status with respect to the sanctuary. They play the role of a king by building the house of God, a house much expanded from its pre-exilic form to encompass the whole of Jerusalem. But the obligations on Israel do not merely reflect those of a king; the people also must compose themselves according to the ethical norms of priests. Jan Clauss notes, "As the sacral space is enhanced to encompass the whole city, the people who participate in it on a spiritual level give utterance to this concept by application of ethical norms obligatory to priestly functionaries, such as the prohibition of intermarriage."[92] These observations cohere nicely with the preceding claim that Ezra-Nehemiah portrays the *golah* community as a sanctum, a holy people that ought not to be desecrated. Together with the book's expansive definition of God's house, we come to see the returned exiles as a priestly people, set apart as the holy servants of God in his house. These expanded privileges, however, bring with them expanded obligations. Yahweh's holy people must not intermarry with the neighboring peoples lest they defile themselves and his holy place in which they dwell. Thus, intermarriage threatens the continued existence of the community. Should they defile the holy things of God, they would again suffer the fate of exile like their ancestors.

To summarize the findings of this section, not all these divergent perspectives on the intermarriage ban are necessarily in conflict with one another. In many respects, each approach sheds light on the complex social and ideological dimensions of life in post-exilic Yehud. Simplistic narratives about Ezra's actions fall flat. The intermarriage crisis was not a purely socio-economic matter, nor was it merely (if at all) an attempt to stave off non-Yahwistic religious practices. Ezra's call to banish the "foreign" wives was deeply rooted in a narrow

[92] "Understanding the Mixed Marriages of Ezra-Nehemiah in the Light of Temple-Building and the Book's Concept of Jerusalem," 129.

definition of the "people of Israel" and a desire to safeguard that identity in the face of great social and ideological pressures both within and without the community. Concepts of purity, exodus-deliverance, and priestly identity contributed to a complex of ideas used to preserve a theoretically "pure Israel" in a completely new social setting. Of fundamental importance in the social dynamics confronting the returned exiles was the perceived holiness of Israel. The people, not merely their priests or their temple, was holy. As such, the "holy seed" needed to preserve their purity by avoiding intermarriage with their polluting neighbors, unclean outsiders who did not belong to the "true" Israel.

6.3 How Did Intermarriage Defile the Land?

Finally, with a clear understanding of the intermarriage crisis, we can explain why Ezra connects inter-ethnic marriage with the defilement of the land. When the local leaders make Ezra aware of the intermarriage between returned exiles and the "people(s) of the land(s)," his lengthy prayer of confession includes a reference to the defilement of the land:

> And now, O our God, what shall we say after this? Indeed we have forsaken your commandments, which you commanded by the hand of your servants the prophets, saying, 'The land which you are entering to take possession of is a land polluted (*'ereṣ niddâ*) by the pollution of the peoples of the lands (*bĕniddat 'ammê hā'ărāṣôt*), by their abominations (*bĕtô'ăbōtêhem*) whereby they have filled it from end to end with their impurity (*bĕṭum'ātām*). And now, do not give your daughters to their sons and do not take their daughters for your sons and do not ever seek their peace or their well-being so that you may be strong and eat the good things of the land and cause your sons to possess it forever' (Ezra 9:10-12).

According to Ezra, the inhabitants of the land had polluted it by their "abominations" (*tô'ēbōt*, a term now quite familiar due to its frequent appearance in land-defilement texts). In fact, the language of "abomination" in this text explicitly resonates with numerous allusions to similar

language in Lev 18.[93] Ezra leverages the concept of sexual "abominations" found in Lev 18 to support his argument, as I show in the following pages. Additionally, as in numerous land-defilement texts already examined in this dissertation, Ezra uses the land's impurity as a tool for defining the boundaries of society. We have already seen, in the preceding section, how the intermarriage crisis fundamentally concerns the identity of the *golah* community. One tool (among several) that served to sharpen Israel's group cohesion and social identity is the theory that the surrounding nations possess an inherent impurity that affects not only their persons, but also the very land possessed by the returned exiles. This impurity could threaten Israel's continued residence in the land, which would have been a serious concern to those who had so recently returned from exile in Babylon. The pious community of returnees (or at least those who followed Ezra) would seek to purge such impurity from the people in the hopes of continuing to dwell in the land of promise. The threat of land defilement, then, ties together concepts of social identity, moral disgust, group cohesion, and theological threats and/or hopes, all of which were leveraged by the author of Ezra-Nehemiah to advance an agenda of cultural distancing from near neighbors.

Ezra's use of the language of "abominations" evidently alludes to the precursor land-defilement text in Lev 18. This earlier Pentateuchal text (treated at length in chapter 2) describes

[93] Numerous scholars have observed the parallels between Ezra 9 and Leviticus 18. See, for example, Loring Batten, *A Critical and Exegetical Commentary on the Books of Ezra and Nehemiah*, ICC (New York: Charles Scribner's Sons, 1913), 335; Klingbeil, "Not So Happily Ever After," 51; Fishbane, *Biblical Interpretation*, 119; Harrington, "The Use of Leviticus in Ezra-Nehemiah," 12. For discussion of the role of abomination, see the discussion of *tô'ēbâ* in chapter 2 and Carly Crouch, "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective." *VT* 65 (2015): 516-541. She specifically notes that in Ezra 9, "The *tw'bh* language in this chapter helps to construct this absolute concept of Israelite identity: it associates the women with practices, persons and a way of life which is alien to that of Israelites (at least according to the definition of an Israelite championed by Ezra and his supporters) and which must therefore be rejected." "What Makes a Thing Abominable?," 531

a lengthy series of sexual offenses practiced by the non-Israelite inhabitants of Canaan that threaten to pollute the land (Lev 18:6-23). Should the defilement caused by such misdeeds accrue over time, the land would vomit out its inhabitants (cf. Lev 18:24-28). According to Ezra, the "people(s) of the land(s)" have corrupted the land by their "abominable" practices.[94] As noted in the previous section, the author of Ezra-Nehemiah portrays the returned exiles as living out a recapitulated experience of the exodus-deliverance from captivity. Thus, as they approach the promised land, they encounter once more a land polluted with "Canaanite" abominations just like when their ancestors originally took possession of the land (cf. Ezra 9:1). Yet even though the author of Ezra-Nehemiah draws on the concept of abomination from Lev 18 to stigmatize "abominable" practices, he inverts the purpose of this emotionally loaded language. Leviticus 18 describes a lengthy sequence of sexual behaviors as "abominations" in order to denounce such activity and shape Israelite behavior. Ezra 9, by way of contrast, invokes the general concept of "abomination" in order to stigmatize an entire population group. As Eve Feinstein observes, "It is [the people(s) of the land(s)], and not only the behaviors in which they theoretically engage, that must be avoided if the purity of Israel is to be maintained."[95] Thus, for the author of Ezra-Nehemiah, marriage to those outside the group of returned exiles pollutes the community and its land; purification comes only by banishing those "foreign" women and their "profane" children from Israel.[96] In other words, intermarriage with the "people(s) of the land(s)" has been interpreted in Ezra 9 as yet another one of the "abominations" of Leviticus; it becomes a newly

[94] See Bossman, "Ezra's Marriage Reform," 37.

[95] Feinstein, *Sexual Pollution*, 152.

[96] See Elizabeth Goldstein, *Impurity and Gender in the Hebrew Bible*, (Lanham: Lexington Books, 2015), 80, 88.

prohibited sexual behavior by a complex process of legal interpretation and re-application (as the author links prohibitions of intermarriage from Deuteronomy with concepts of abomination from Leviticus).[97] Intermarriage, then, becomes yet another "abominable" behavior for the author of Ezra-Nehemiah, and as the land purged its pollution by vomiting out its defiled inhabitants in Lev 18, so also the *golah* community banishes the polluted, "foreign" women and their children from their midst, thereby purifying the land of its defilements and making it once more a holy place in which Yahweh and his holy people can reside. The priestly calling of Israel in Ezra-Nehemiah (see the preceding section, 6.2) demands that they purge God's holy dwelling place of any impurities, just as the pre-exilic priests would purge the sanctuary. The fundamental concern of Ezra's prayer in chapter 9 focuses on the delicacy of the *golah* community's situation. Should they fill the land with "abominations" like their neighbors, they would be cast out of the land again like their ancestors. Purifying the land by banishing the foreign women and their children from Israel is the only route that Ezra and his supporters see toward a secure future for the returned exiles in the land.

As we have already seen in other biblical texts treating the subject, defilement of the land serves the purpose of defining the boundaries of Israelite society in Ezra 9-10. The author of Ezra-Nehemiah, perhaps more than any other biblical writer, uses the language of disgust to portray outsiders as polluting and dangerous to Israel's ethnic identity. Where other biblical writers condemn particular behaviors (such as sexual offenses, murder, or religious transgressions), Ezra uses impurity and disgust terminology to mark outsiders themselves as

[97] See Harrington, "The Use of Leviticus in Ezra-Nehemiah," 12. Even the fruits of this sexual conduct (their children) are removed from the community because intermarriage has been interpreted as another kind of abomination.

dangerous pollutants. We have already seen how the author draws a sharp distinction between the "people of Israel" and the "people(s) of the land(s)." The latter group are marked as outsiders by their association with non-Israelite ethnic groups (Canaanites, Hittites, etc.; Ezra 9:1). But these "others" also engage in "abominations" (*tô'ēbōt*, cf. Ezra 9:1, 11, 14), a term we have seen numerous biblical writers use to describe morally repugnant behaviors. Strikingly, Israel's neighbors are identified so closely with their repulsive behavior that Ezra calls them "abominable peoples" (*ammê hattō'ēbôt*; Ezra 9:14). A term formerly used to describe behavior here comes to define the very character of outsiders. Additionally, Ezra heaps up further emotive language in verse 11, where he attributes not only abominations to Israel's neighbors, but also "pollution" (*niddâ*) and "impurity" (*ṭum'â*). These peoples are considered so dangerous that the author quotes Deut 23:7 [6] to state that Israel should "never seek their peace or their well-being, so that you may be strong and eat the good things of the land and cause your sons to possess it forever" (Ezra 9:12). Peace with the "people(s) of the land(s)" and peace in Yahweh's land are portrayed as mutually exclusive ideals. While some in Israel apparently disagreed and viewed intermarriage as a matter of no concern (since they had, in fact, married women who were not returned exiles), the author of Ezra-Nehemiah urges strict separation as Israel's only sure means of achieving prosperity and flourishing. Purity language takes on a clear social cast in this text. The people and land together must remain holy and unstained by polluting outsiders. As Katherine Southwood observes:

> Ezra's technique of introducing the intermarriage crisis using labels which distance the people of the land by setting them up as Israel's enemies is an extremely effective way of demarcating and consolidating ethnic boundaries by creating a criterion for evaluation of 'Others' for later generations of readers. However, in light of the evidence concerning 'proximate Others' such designations are more likely to be selected as distancing mechanisms from the self-ascribed title 'Israel' in order to counter perceived similarities. That is to

> argue that it is not that the returned exiles or 'Israel' and those referred to as 'the people of the land' have irreconcilably different identities, but rather that it is because they have irreconcilable claims or aspirations to the same identities that the perception of ethnic threat emerges.[98]

For Ezra and his associates, any contact with outsiders (who are inherently polluting) could bring an end to Israel's residence in the land. The defilement of the land, however, fundamentally comes to stand in Ezra-Nehemiah for a defilement of the people. The threat of "abominations" does not come in the form of changed religious or cultural norms. Rather, the author inadvertently betrays a deep-seated fear that intermarriage with outsiders and producing offspring with them would whittle away at Israel's distinctiveness and social cohesion. While this social concern has been undergirded by theological language regarding the need to keep Yahweh's people and place pure, the author betrays a fundamentally social concern: intermarriage threatens the very meaning and existence of those who call themselves "the people of Israel."

[98] Southwood, *Ethnicity and the Mixed Marriage Crisis in Ezra 9-10*, 143.

Conclusion

The writers of the Hebrew Bible rarely focus on the defilement of the land as a major theme of their compositions, yet the topic emerges in numerous places across biblical texts. In no two places does the idea of land defilement play precisely the same role, yet the general outlines of land defilement remain consistent across time and various types of literature. From the composition of Deuteronomy under the Judahite monarchy to the writing of Ezra-Nehemiah after the exile, the biblical authors continue to express concern over the purity of Israel's territory. The findings of this dissertation suggest that land defilement was a shared cultural belief among many ancient Israelites. The biblical writers reveal a shared set of basic beliefs regarding the land's potential to be polluted: 1) Land defilement is caused by serious anti-social behavior on the part of individuals, typically in the domains of sexuality, interpersonal violence, or transgressing prescribed religious boundaries; 2) Land defilement impacts the entire population of Israel and must be addressed by the whole nation or their judicial representatives even though it is prompted by individual misconduct; 3) Land defilement cannot be washed away through ordinary rituals associated with the sanctuary, but some remedies involving both legal and ritual elements may be possible (e.g., capital punishment, sending away foreign wives, etc.). Alternatively, divine intervention, as anticipated in prophetic texts like Ezekiel, may also restore the land from its polluted condition. These shared features across various biblical texts demonstrate that land defilement was a concern shared by at least one core group of Israelites from the monarchy through the exile and beyond.

Those biblical writers who address land defilement apply this shared complex of ideas each in their own unique way. Priestly writers integrate land defilement into a detailed complex of ritual and legal concepts involving Israel's holiness, the high priest, and God's residence in

the land. For these writers, land defilement is a major concern that could lead to exile if not handled properly. By way of contrast, Deuteronomy incorporates land defilement only in a series of obscure and difficult legal paragraphs. For the editors of Deuteronomy, land defilement plays a less prominent role, but still ought to impact the conduct of Israel's judicial authorities and shape the behaviors of ordinary Israelites. When the authors of Jeremiah take up land defilement, they use the concept to urge Israel to repent and turn back to Yahweh from their illicit cultic practices. Jeremiah interprets and re-applies earlier land defilement texts in a new context to urge Israel toward corporate repentance. No longer do judicial institutions play a major role in responding to Israel's defiled land. This prophetic book lifts the problem from the legal domain into the sphere of religion so that Israel's direct relationship to Yahweh determines the condition of their land. Likewise, Ezekiel turns the audience's attention away from judicial remedies to land defilement toward a theological hope. In this case, however, there is no demand that the exiled Judahites repent. Instead, Yahweh promises to restore his people and their land on his own initiative and for his own name's sake. Israel's land becomes pure not through judicial activity, but divine intervention, which transforms what was once polluted into a fruitful paradise. Finally, Ezra-Nehemiah takes earlier concepts of land defilement and blends them together to apply the subject in a new domain: intermarriage. After the exiles have returned to the land, leaders like Ezra were concerned to carefully protect the community's boundaries. Land defilement effectively served this end, driving the community to send away their foreign wives and children. Each of these biblical sources demonstrates the diverse ways in which land defilement could be used. One can only imagine that the topic was addressed in other fashions outside biblical literature in the living communities of ancient Judah.

Across these diverse literary applications of land defilement, we see the writers of the Hebrew Bible using ideas of impurity to shape cultural norms. While each biblical writer attends to different land-defiling offenses, each text demonstrates a similar pattern. When the concept of defilement is attached to these various misdeeds, it transforms even private offenses into socially dangerous behavior. Several examples should illuminate this point. The adverse consequences of incest are quite restricted in their scope (e.g., genetic defects in offspring; familial conflict/trauma) and are unlikely to affect the broader community in any negative way. Nevertheless, Lev 18 transforms this local offense into a national problem by making it a land-defiling offense. Likewise, murder has clear social repercussions in the immediate social circle: two family units become ensnared in conflict and the local community may mourn the loss of a productive member. Nevertheless, murder does not reshape the social fabric or impact the well-being of the nation as a whole at an objective level. Yet, the biblical writers globalize the impact of murder in numerous places (cf. Num 35:9-43; Deut 21:1-9; Ezek 36:17-18) by contending that this misdeed defiles the land. Blood spilled in murder threatens not just the immediate social environment, but the nation as a whole. Even religious practices outside those expected by the biblical writers have no global impact on the nation of Israel. Such "aberrant" ritual activity certainly affects the worshipper but cannot be said to adversely affect others.[1] Yet again, the Hebrew Bible widens the impact of such practices by stating that they defile the land of Israel. What may be a private, personal act of (im)piety becomes a national crisis because of its polluting potential. In each of these cases (and others I have not mentioned here), the biblical writers globalize the impact of socially unacceptable behaviors with merely local or private

[1] A key exception here is, of course, the practice of child sacrifice, which had an irreversible impact on those children whose lives were lost.

significance. Land defilement reflects the communal values and emphasis on social cohesion found in ancient Israel. Where an individualistic society might address each case in terms of its immediate impact on individuals, the biblical writers approach these offenses as threats to the social fabric.

The authors of the Hebrew Bible utilize emotion (specifically disgust) and ideas of impurity to reinforce their efforts at globalizing land-defiling offenses. By generating a response of disgust, the biblical writers encourage their audience to abhor land-defiling conduct. Such behaviors may have been accepted in some circles or resolved in local, idiosyncratic manners, but the Hebrew Bible urges a society-wide response to the pollution of Israel's land. Land defilement texts use the language of disgust and revulsion to shape cultural norms at a pre-rational level. By portraying land-defiling offenses as morally abhorrent, the biblical authors can circumvent the need to develop compelling logical arguments in favor of their position. This "argument without an argument" has greater potential to generate agreement (in some at least) since it presents the audience with only one moral choice: abhorrence. The biblical writers entertain no other possible response to land-defiling offenses.

These findings regarding land defilement in the Hebrew Bible open future avenues for research in law and ritual in ancient Israel and the Near East more broadly. First, the fact that the land of Israel could be defiled raises questions about how socially unacceptable behaviors could impact specific territories. Andrea Allgood has already studied the defilement of foreign lands outside Israel, but questions remain about how misconduct might impact cities (cf. Deut 13:13-

19 [12-18]), tribes (cf. Judg 19-20), and other geo-political entities.[2] In these other cases, we do not find pollution language employed as it is with respect to the land of Israel, but this metaphor is not the only way in which biblical writers could connect offenses to specific locations or populations. Further, such additional studies could explore how biblical writers determine which offenses have a broad impact on territorial entities and which do not. Nowhere do we see theft causing widespread harm (such as land defilement), but sexual misconduct and religious infidelity greatly concern the biblical writers.

Second, additional diachronic and comparative work could contribute to a better understanding of land-defilement in ancient Israel. We have already seen that bloodguilt was viewed as an offense that could stain territory and cause agricultural crises outside Israel.[3] Such ideas may have had a wider impact in ancient Near Eastern culture and literature than scholars currently recognize. A more thorough and detailed understanding of Near Eastern concerns with land defilement and the territorial impact of misconduct could help shape a clearer diachronic picture of the development of such ideas. Ideally such work might gather sufficient data to determine whether determinations of specific land-defiling offenses evolved in relation to one another or in isolation. For example, one might suppose that land defilement could have originated in ideas of bloodshed where a clear physical stain is associated with moral/legal wrongdoing and social harm. Perhaps this wrong was then connected to sexual misconduct where, again, bodily fluid is shed in a morally/legally unacceptable behavior. Biblical writers

[2] For Allgood's work on foreign lands see her dissertation, "Foreign Lands − Multiple Perspectives: Foreign Land Impurity in the Hebrew Bible, its Context, and its Ideological Underpinnings," (Ph.D. diss., Brown University, 2014).

[3] See, for example, the Aqhat epic (*KTU* 1.19.45-20.9) and the Edict of Telepinu (*CTH* 19, §20). See David Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," n. 24.

could then extend the defiling force of sexual wrongs to the religious domain by utilizing the metaphor of adultery. Such theories of diachronic change offer very real appeal, but the present textual evidence in the Hebrew Bible does not offer sufficient quantity or detail to reliably determine such developments. Further comparative work in the ancient Near East could potentially shed light on the growth of such cultural ideas.

Third, and finally, this dissertation has demonstrated through an examination of land defilement how the biblical writers frequently blended legal and ritual ideas in dynamic ways to address social concerns. This research has hopefully shown the value of approaching biblical legal and ritual texts not as discrete and separate bodies of literature with different compositional and social histories. Rather, the writers of the Hebrew Bible make relatively minimal distinction between legal and ritual concerns, often combining them in ways surprising to the modern reader. An emic approach to Israel's legal traditions demonstrates that their institutional codes were (at least as preserved in the Hebrew Bible) fundamentally religious and that their ritual regulations frequently took the form of law. One can hope that future research will uncover additional ways in which the intersection of law and ritual shaped ancient Israel's society in ways yet undiscovered.

Bibliography

Aavitsland, Vilde Lid. “The Failure of Judgment: Disgust in Arendt’s Theory of Political Judgment.” *The Journal of Speculative Philosophy* 33/3 (2019): 537-550.

Abraham, K. “An Inheritance Division Among Judeans in Babylonia from the Early Persian Period.” Pages 206-221 in *New Seals and Inscriptions, Hebrew, Idumean, and Cuneiform*. Edited by M. Lubetski. Sheffield: Sheffield Phoenix, 2007.

_____. “West Semitic and Judean Brides in Cuneiform Sources from the Sixth Century BCE: New Evidence from a Marriage contract from Āl-Yahudu.” *AfO* 51 (2005/2006): 198-219.

Allen, Leslie C. *Ezekiel 1-19.* WBC 28. Nashville: Thomas Nelson, 1994.

_____. *Ezekiel 20-48.* WBC 29. Nashville: Thomas Nelson, 1990.

Allgood, Andrea. “Foreign Lands − Multiple Perspectives: Foreign Land Impurity in the Hebrew Bible, its Context, and its Ideological Underpinnings.” Ph.D. diss., Brown University, 2014.

Al-Rawi F. N. H. and Andrew R. George. “Tablets from the Sippar Library III: Two Royal Counterfeits.” *Iraq* 56 (1994): 135-148.

Alter, Robert. *The David Story: A Translation with Commentary of 1 and 2 Samuel.* New York: Norton, 1999.

Andersen, Francis I. and David Noel Freedman. *Hosea: A New Translation with Introduction and Commentary*. AB 24. New York: Doubleday, 1980.

Ashley, Timothy R. *The Book of Numbers*. NICOT. Grand Rapids: Eerdmans, 1993.

Avigad, Nahman. “The Epitaph of a Royal Steward from Siloam Village.” *IEJ* 3 (1953): 137-152.

Baden, Joel. “Hithpael and Niphal in Biblical Hebrew: Semantic and Morphological Overlap.” *VT* 60 (2010): 33-44.

Barmash, Pamela. *Homicide in the Biblical World.* Cambridge: Cambridge University Press, 2005.

Batten, Loring W. *A Critical and Exegetical Commentary on the Books of Ezra and Nehemiah.* ICC. New York: Charles Scribner’s Sons, 1913.

Baugh, Steven M. “Cult Prostitution in New Testament Ephesus: A Reappraisal.” *JETS* 42/3 (1999): 443-460.

Becking, Bob. *Ezra-Nehemiah.* HCOT. Leuven: Peeters, 2018.

_____. “On the Identity of the ‘Foreign’ Women in Ezra 9-10.” Pages 31-49 in *Exile and Restoration Revisited: Essays on the Babylonian and Persian Periods in Memory of Peter R. Ackroyd.* Edited by Gary Knoppers and Lester Grabbe. LSTS 73. London: T & T Clark, 2009.

Beckman, Gary. *Hittite Diplomatic Texts.* 2nd ed. Edited by Harry A. Hoffner. Atlanta: Scholars, 1999.

Beentjes, Pancratius C. “Inverted Quotations in the Bible: A Neglected Stylistic Pattern.” *Bib* 63 (1982): 506-523.

Belnap, Daniel L. “Defining the Ambiguous, the Unknown, and the Dangerous: The Significance of the Ritual Process in Deuteronomy 21:1-9.” *ZABR* 23 (2017): 209-221.

Ben-Hayyim, Ze’ev. *Grammar of the Pentateuch*. Vol. 5 of *The Literary and Oral Tradition of Hebrew and Aramaic Amongst the Samaritans*. Jerusalem: Academy of the Hebrew Language, 1977.

Benjamin, Don. *Deuteronomy and City Life: A Form-Critical Study of Text with ‘îr in Deuteronomy 4:41-26:19.* Lanham: UPA, 1983.

Bergland, Kenneth. “Reuse of Deuteronomy 24:1-4 in Jeremiah 3:1-10: A Reexamination.” Paper presented at the Annual Meeting of the SBL. San Diego, CA, 24 November 2014.

Berman, Joshua A. *Inconsistency in the Torah: Ancient Literary Convention and the Limits of Source Criticism.* Oxford: Oxford University Press, 2017.

Biddle, Mark. *A Redaction History of Jeremiah 2:1-4:2.* ATANT 77. Zürich: Theologischer Verlag, 1990.

Bird, Phyllis. “The End of the Male Cult Prostitute: A Literary-Historical and Sociological Analysis of Hebrew *Qādēš-Qĕdēšîm*.” Pages 34-77 in *Congress Volume: The Fifteenth Congress of the International Organization for the Study of the Old Testament, Cambridge 1995.* Edited by J. A. Emerton. Leiden: Brill, 1997.

_____. “‘To Play the Harlot’: An Inquiry into an Old Testament Metaphor.” Pages 75-94 in *Gender and Difference in Ancient Israel.* Edited by Peggy Day. Minneapolis: Fortress, 1989.

Black, Jeremy and Anthony Green. *Gods, Demons and Symbols of Ancient Mesopotamia: An Illustrated Dictionary.* Illustrations by Tessa Rickards. London: British Museum, 1992.

Blenkinsopp, Joseph. *Ezra-Nehemiah.* Philadelphia: Westminster, 1988.

Block, Daniel I. *Beyond the River Chebar: Studies in Kingship and Eschatology in the Book of Ezekiel.* Eugene: Cascade, 2013.

_____. *The Book of Ezekiel*. 2 vols. NICOT. Grand Rapids: Eerdmans, 1997-1998.

_____. "Eden: A Temple? A Reassessment of the Biblical Evidence." Pages 3-29 in *From Creation to New Creation: Biblical Theology and Exegesis*. Edited by Daniel M. Gurtner and Benjamin L. Gladd. Peadbody: Hendrickson, 2013.

Bodi, Daniel. "The Double Current and Tree of Healing in Ezekiel 47:1-12 in Light of Babylonian Iconography and Texts." *WO* 45/1 (2015): 22-37.

_____. "Les *gillûlîm* chez Ézéchiel et dans l'Ancien Testament, et les différentes pratiques cultuelles associées à ce terme." *RB* 100 (1993): 481-510.

_____. "Outraging the Resident Alien. King David, Uriah the Hittite, and an El-Amarna Parallel." *UF* 35 (2003): 29-56.

Boassman, David. "Ezra's Marriage Reform: Israel Redefined." *BTB* 9 (1979): 32-38.

Botterweck, G. Johannes and Helmer Ringgren. *Theological Dictionary of the Old Testament.* Translated by John T. Willis, Geoffrey W. Bromiley, and David E. Green. 15 vols. Grand Rapids: Eerdmans, 1978.

Bracke, John M. *Jeremiah 1-29*. Louisville: Westminster John Knox, 2000.

Brettler, Marc Z. "Judaism in the Hebrew Bible? The Transition from Ancient Israelite Religion to Judaism." *CBQ* 61/3 (1999): 429-447.

Bright, John. *Jeremiah*. AB 21. Garden City: Doubleday, 1965.

Brown, A. Philip. "The Problem of Mixed Marriages in Ezra 9-10." *BSac* 162/4 (2005): 437-458.

Brueggemann, Walter. *Deuteronomy*. Nashville: Abingdon, 2001.

Büchler, Adolf. *Studies in Sin and Atonement in the Rabbinic Literature of the First Century.* New York: Ktav, 1967.

Budd, Philip J. *Numbers.* WBC 5. Nashville: Thomas Nelson, 1984.

Budin, Stephanie Lynn. *The Myth of Sacred Prostitution in Antiquity.* Cambridge: Cambridge University Press, 2008.

Burnside, Jonathan P. *God, Justice, and Society: Aspects of Law and Legality in the Bible.* Oxford: Oxford University Press, 2011.

_____. "Strange Flesh: Sex, Semiotics and the Construction of Deviancy in Biblical Law." *JSOT* 30/4 (2006): 387-420.

Calvin, John. *Commentaries on the Last Four Books of Moses Arranged in the Form of a Harmony.* Volume 3. Translated by Charles William Bingham. Grand Rapids: Eerdmans, 1979.

Campbell, Anthony F. *2 Samuel*. FOTL 8. Grand Rapids: Eerdmans, 2005.

Carmichael, Calum. "A Common Element in Five Supposedly Disparate Laws." *VT* 29/2 (1979): 129-142.

Carr, David. "Data to Inform Ongoing Debates About the Formation of the Pentateuch: From Documented Cases of Transmission History to a Survey of Rabbinic Exegesis." Pages 87-106 in *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel, and North America.* Edited by Jan C. Gertz, Bernard M. Levinson, Dalit Rom-Shiloni, and Konrad Schmid. FAT 111. Tübingen: Mohr Siebeck, 2016.

_____. *The Formation of the Hebrew Bible: A New Reconstruction.* Oxford: Oxford University Press, 2011.

_____. "Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34, 11-26 and its Parallels." Pages 107-140 in *Gottes Volk am Sinai: Untersuchungen zu Ex 32-34 und Dtn 9-10.* Edited by Matthias Köckert and Erhard Blum. Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 18. Gütersloh: Kaiser, 2001.

Černy, Jaroslav. "Consanguineous Marriages in Pharaonic Egypt." *JEA* 40 (1954): 23-29.

Chapman, David W. *Ancient Jewish and Christian Perceptions of Crucifixion.* WUNT II/244. Tübingen: Mohr Siebeck, 2008.

Chapman, H. A., D. A. Kim, J. M. Susskind, and A. K. Anderson. "In Bad Taste: Evidence for the Oral Origins of Moral Disgust." *Science* 323/5918 (2009): 1222-1226.

Charpin, Dominique. "L'*andurârum* à Mari." *MARI* 6 (1990): 253-270.

_____. "Les décrets royaux à l'époque paleo-bbaylonienne, à propos d'un ouvrage récent." *AfO* 34 (1987): 36-44.

Childs, Brevard. *Isaiah*. OTL. Louisville: Westminster John Knox, 2001.

Chilton, Bruce. Review of *Impurity and Sin in Ancient Judaism*, by Jonathan Klawans. *RRJ* 4/2 (2001): 350-355.

Christ, Hieronymus. *Blutvergiessen im Alten Testament: der gewaltsame Tod des Menscehen untersucht am hebräischen Wort* dām. Ph.D. diss., University of Basel, 1971.

Clements, Ronald E. *Ezekiel*. Louisville: Westminster John Knox, 1996.

Clifford, Scott and Jennifer Jerit. "Disgust, Anxiety, and Political Learning in the Face of Threat." *American Journal of Political Science* 62/2 (2018): 266-279.

Coggins, R. J. *The Books of Ezra and Nehemiah.* Cambridge: Cambridge University Press, 1976.

Cohen, Chaim, Victor Avigdor Hurowitz, Avi Hurvitz, Yochanon Muffs, Baruch J. Schwartz, and Jeffrey H. Tigay, eds. *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday.* 2 Vols. Winona Lake: Eisenbrauns, 2008.

Cocco, Francesco. *The Torah as a Place of Refuge: Biblical Criminal Law and the Book of Numbers*. FAT 2/84. Tübingen: Mohr Siebeck, 2016.

Cohen, Chaim, Victor Avigdor Hurowitz, Avi Hurvitz, Yochanan Muffs, Baruch J. Schwartz, and Jeffrey H. Tigay, eds. *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday.* 2 Vols. Winona Lake: Eisenbrauns, 2008.

Cohen, Yoram. *Taboos and Prohibitions in Hittite Society: A Study of the Hittite Expression* natta āra *('not permitted').* THeth 24. Heidelberg: University Press, 2002.

Cook, John Granger. "Roman Crucifixions: From the Second Punic War to Constantine." *ZNW* 104/1 (2013): 1-32.

Cook, Stephen L. *Ezekiel 38-48: A New Translation with Introduction and Commentary*. AB 22B. New Haven: Yale University Press, 2018.

Cook, Stephen L. and Corrine L. Patton, edd. *Ezekiel's Hierarchical World: Wrestling with a Tiered Reality.* SymS 31. Leiden: Brill, 2004.

Countryman, L. William. Review of *Impurity and Sin in Ancient Judaism*, by Jonathan Klawans. *ATR* 85/1 (2003): 200-203.

Craigie, Peter C. *The Book of Deuteronomy.* NICOT. Grand Rapids: Eerdmans, 1976.

Crane, Ashley S. *Israel's Restoration: A Textual-Comparative Exploration of Ezekiel 36-39.* VTSup 122. Leiden: Brill, 2008.

Cross, Frank Moore. "A Reconstruction of the Judean Restoration." *JBL* 94/1 (1975): 4-18.

Cross, Frank Moore and Shemaryahu Talmon. *Qumran and the History of the Biblical Text.* Cambridge: Harvard University Press, 1975.

Crouch, Carly L. "Playing Favourites: Israel and Judah in the Marriage Metaphor of Jeremiah 3." *JSOT* 44/4 (2020): 594-609.

_____. "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective." *VT* 65 (2015): 516-541.

Curry, Oliver. "Who's Afraid of the Naturalistic Fallacy?" *Evolutionary Psychology* 4 (2006): 234-247.

Davidson, Richard. "Divorce and Remarriage in the Old Testament: A Fresh Look at Deuteronomy 24:1-4." *Journal of the Adventist Theological Society* 10/1-2 (1999): 2-22.

Day, Peggy L. "Adulterous Jerusalem's Imagined Demise: Death of a Metaphor in Ezekiel XVI." *VT* 50/3 (2000): 285-309.

_____. "Yahweh's Broken Marriages as Metaphoric Vehicle in the Hebrew Bible Prophets." Pages 219-241 in *Sacred Marriages: The Divine-Human Sexual Metaphor from Sumer to Early Christianity.* Edited by Martti Nissinen and Risto Uro. Winona Lake: Eisenbrauns, 2008.

DeGrado, Jessie. "The *qdesha* in Hosea 4:14: Putting the (Myth of the) Sacred Prostitute to Bed." *VT* 68/1 (2018): 8-40.

De Jong, Matthijs J. "Ezekiel as a Literary Figure and the Quest for the Historical Prophet." Pages 1-16 in *The Book of Ezekiel and Its Influence.* Edited by Henk Jan de Jonge and Johannes Tromp. Hampshire: Ashgate, 2007.

del Olmo Lete, Gregorio. *Incantations and Anti-Witchcraft Texts from Ugarit.* SANER 4. Berlin: De Gruyter, 2014.

del Olmo Lete, Gregorio and Joaquín Sanmartín. *A Dictionary of the Ugaritic Language in the Alphabetic Tradition.* 3rd ed. Translated and edited by Wilfred G. E. Watson. HdO 112. Leiden: Brill, 2015.

de Moor, Johannes C. and Klaas Spronk. "More on Demons in Ugarit." *UF* 16 (1984): 236-251.

Dempster, Stephen. "The Deuteronomic Formula *kî yimmāṣē'* in the Light of Biblical and Ancient Near Eastern Law: An Evaluation of David Daube's Theory." *RB* 91/2 (1984): 188-211.

Dershowitz, Idan. "Revealing Nakedness and Concealing Homosexual Intercourse: Legal and Lexical Evolution in Leviticus 18." *HeBAI* 6 (2017): 510-526.

Dewrell, Heath D. *Child Sacrifice in Ancient Israel.* EANEC 5. Winona Lake: Eisenbrauns, 2017.

_____. "'Whoring after the *mōlek*' in Leviticus 20:5. A Text-Critical Examination." *ZAW* 127/4 (2016): 628-635.

Diamond, A. R. Pete and Kathleen M. O'Connor. "Unfaithful Passions: Coding Women Coding Men in Jeremiah 2-3 (4:2)." *BibInt* 4/3 (1996): 288-310.

Dietrich, Jan. *Kollektive Schuld und Haftung: Religions- und rechtsgeschichtliche Studien zum Sündenkuhritus des Deuteronomomiums und zu verwandten Texten.* Orientalische Religionen in der Antike 4. Tübingen: Mohr Siebeck, 2009.

Dietrich, Manfried and Oswald Loretz. "Beschwörung gegen Dämonen und Totengeister auf einer Sammeltafel (KTU 1.82)." Pages 336-339 in *Texte aus der Umwelt des Alten Testaments 2/3.* Edited by O. Kaiser. Gütersloh: Gütersloher Verlagshaus, 1988.

Difransico, Lesley R. *Washing Away Sin: An Analysis of the Metaphor in the Hebrew Bible and Its Influence.* BTS 23. Leuven: Peeters, 2016.

Dion, Paul. "Deutéronome 21,1-9: Miroir du développement légal et religieux d'Israël." *SR* 11/1 (1982): 13-22.

Douglas, Mary. *In the Wilderness: The Doctrine of Defilement in the Book of Numbers.* Oxford: Oxford University Press, 1993.

_____. *Leviticus as Literature.* Oxford: Oxford University Press, 1999.

_____. *Purity and Danger: An Analysis of Concepts of Pollution and Taboo.* London: Routledge & Kegan Paul, 1966. Repr., Routledge Classics 93. London: Routledge, 2002.

_____. "Responding to Ezra: The Priests and Foreign Wives." *BibInt* 10/1 (2002): 1-23.

Driver, G. R. "Linguistic and Textual Problems: Ezekiel (continued)" *Bib* 19/2 (1938): 175-187.

Driver, S. R. *A Critical and Exegetical Commentary on Deuteronomy.* ICC. New York: Charles Scribner's Sons, 1895.

Duiguid, Iain. *Ezekiel.* Grand Rapids: Zondervan, 1999.

Durand, Jean-Marie. “Trois études sur Mari.” *MARI* 3 (1984): 127-180.

Eilberg-Schwartz, Howard. *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism.* Bloomington: Indiana University Press, 1990.

Elfenbein, Hillary and Nalini Ambady. “On the Universality and Cultural Specificity of Emotion Recognition: A Meta-Analysis.” *Psychological Bulletin* 128/2 (2002): 203-235.

Ellens, Deborah L. *Women in the Sex Texts of Leviticus and Deuteronomy: A Comparative Conceptual Analysis.* LHBOTS 458. New York: T & T Clark, 2008.

Elliger, Karl. *Leviticus*. HAT I/4. Tübingen: J. C. B. Mohr (P. Siebeck), 1966.

Erbele-Küster, Dorothea. “Comment dire l’interdit? Le tabou linguistique et social de la menstruation en Lévitique 11-20.” Pages 181-190 in *Tabout et transgressions: Actes du colloque organisé par le Collège de France, Paris, les 11-12 avril 2012.* Edited by Jean-Marie Durand, Michael Guishard, and Thomas Römer. OBO 274. Fribourg: Vandenhoeck & Ruprecht, 2015.

Eskenazi, Tamara C. *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*. SBLMS 36. Atlants: Scholars Press, 1988.

_____. “Out from the Shadows: Biblical Women in the Postexilic Era.” *JSOT* 54 (1992): 25-43.

_____. “The Structure of Ezra-Nehemiah and the Integrity of the Book.” *JBL* 107/4 (1988): 641-656.

Eskenazi, Tamara C. and Eleanore P. Judd. “Marriage to a Stranger in Ezra 9-10.” Pages 266-285 in *Second Temple Studies: Temple Community in the Persian Period.* Edited by Tamara Eskenazi and Kent Richards. JSOTSup 175. Sheffield: JSOT Press, 1994.

Eskine, Kendall, Natalie Kacinik, and Jesse Prinz. “A Bad Taste in the Mouth: Gustatory Disgust Influences Moral Judgment.” *Psychological Science* 23/3 (2011): 295-299.

Estelle, Bryan. *Echoes of Exodus: Tracing a Biblical Motif.* Downers Grove: IVP Academic, 2018.

Evenari, Michael. “Twenty-Five Years of Research on Runoff Desert Agriculture in the Middle East.” Pages 5-27 in *Settling the Desert*. Edited by L. Berkofsky, D. Faiman, and J. Gale. New York: Routledge, 2020.

Fechter, Friedrich. *Die Familie in der Nachexilszeit: Untersuchungen zur Bedeutung der Verwandschaft in ausgewählten Texten des Alten Testaments.* BZAW 264. Berlin: De Gruyter, 1998.

Feder, Yitzhaq. *Blood Expiation in Hittite and Biblical Ritual: Origins, Context, and Meaning.* WAWSup 2. Atlanta: Society of Biblical Literature, 2011.

_____. "Contagion and Cognition: Bodily Experience and the Conceptualization of Pollution in the Hebrew Bible." *JNES* 72/2 (2013): 151-167.

_____. "Contamination Appraisals, Pollution Beliefs and the Role of Cultural Inheritance in Shaping Disease Avoidance Behavior." *Cognitive Science* (2016): 1561-1585.

_____. "Defilement and Moral Discourse in the Hebrew Bible: An Evolutionary Framework." *Journal of Cognitive Historiography* 3 (2016): 157-189.

_____. "Defilement, Disgust, and Disease: The Experiential Basis of Hittite and Akkadian Terms for Impurity." *JAOS* 136/1 (2016): 99-116.

_____. "The Mechanics of Retribution in Hittite, Mesopotamian and Ancient Israelite Sources." *JANER* 10/2 (2010): 119-157.

_____. "On *kuppuru, kipper* and Etymological Sins that Cannot be Wiped Away." *VT* 60 (2010): 535-545.

Feigin, Samuel. "Etymological Notes." *AJSL* 43 (1926): 53-60.

Feinstein, Eve Levavi. *Sexual Pollution in the Hebrew Bible.* Oxford: Oxford University Press, 2014.

_____. "Sexual Pollution in the Hebrew Bible: A New Perspective." Pages 114-145 in *Bodies, Embodiment, and Theology of the Hebrew Bible.* Edited by S. Tamar Kamionkowski and Wonil Kim. LHBOTS 465. New York: T & T Clark, 2010.

Filson, F. V. "The Omission of Ezek. 12:26-28 and 36:23b-38 in Codex 967." *JBL* 62/1 (1943): 27-32.

Finsterbuch, Karin and Norbert Jacoby. *MT-Jeremia und LXX-Jeremia 1-24: Synoptische Übersetzung und Analyse der Kommunikationsstruktur.* WMANT 145. Neukirchen-Vluyn: Neukirchener Verlag, 2016.

Fischer, Robert William. "Disgust as Heuristic." *Ethical Theory and Moral Practice* 19/3 (2016): 679-693.

Fischer, Wolfdietrich. *A Grammar of Classical Arabic: Third Revised Edition.* Translated by Jonathan Rodgers. New Haven: Yale University Press, 2001.

Fishbane, Michael. *Biblical Interpretation in Ancient Israel.* Oxford: Clarendon, 1985.

Fleishman, Joseph. *Father-Daughter Relations in Biblical Law.* Bethesda: CDL, 2011.

Fox, Michael V. "Jeremiah 2:2 and the 'Desert Ideal.'" *CBQ* 35/4 (1973): 441-450.

_____. *Proverbs 10-31.* AB 18B. New Haven: Yale University Press, 2009.

Frevel, Christian, ed. *Mixed Marriages: Intermarriage and Group Identity in the Second Temple Period.* LHBOTS 547. London: T & T Clark, 2011.

Frevel, Christian and Christophe Nihan, edd. *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism.* Dynamics in the History of Religion 3. Leiden: Brill, 2013.

Frymer-Kensky, Tikva. "Pollution, Purification, and Purgation in Biblical Israel." Pages 399-414 in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of His Sixtieth Birthday.* Edited by Carol L. Meyers and M. P. O'Connor. Winona Lake: Eisenbrauns, 1983.

Galambush, Julie. *Jerusalem in the Book of Ezekiel: The City as Yahweh's Wife*. Atlanta: Scholars, 1992.

_____. "This Land is My Land: On Nature as Property in the Book of Ezekiel." Pages 71-94 in *'Every City Shall Be Forsaken': Urbanism and Prophecy in Ancient Israel and the Near East.* Edited by Lester L. Grabbe and Robert D. Haak. JSOTSup 330. Sheffield: Sheffield Academic Press, 2001.

Gane, Roy E. *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy.* Winona Lake: Eisenbrauns, 2005.

_____. "Numbers 15:22-31 and the Spectrum of Moral Faults." Pages 149-156 in *Inicios, paradigmas y fundamentos: Estudios teológicos y exegéticos en el Pentateuco*. Edited by Gerald Klingbeil. Argentina: Editorial Universidad Adventista del Plata, 2004.

Garnet, Paul. *Salvation and Atonement in the Qumran Scrolls.* WUNT II/3. Tübingen: Mohr Siebeck, 1977.′

Geller, M. J. "Taboo in Mesopotamia: A Review Article." *JCS* 42/1 (1990): 105-117.

Gerstenberger, Erhard S. *Leviticus: A Commentary.* Translated by Douglas W. Stott. OTL. Louisville: Westminster John Knox, 1996.

Gesundheit, Shimon. “The Question of LXX Jeremiah as a Tool for Literary-Critical Analysis,” *VT* 62/1 (2012): 29–57.

Gilan, Amir. “The Ewe that was a Scapegoat Bride: A New Look at the Hittite Bestiality Purification Ritual KUB 41, 11+.” *ZA* 108/2 (2018): 226-234.

Glazier-McDonald, Beth. “Intermarriage, Divorce, and the Bat-’ēl Nēkār: Insights into Mal 2:10-16.” *JBL* 106/4 (1987): 603-611.

Goldingay, John and David Payne. *Isaiah 40-55: Volume II.* ICC. London: T & T Clark, 2006.

Goldstein, Elizabeth W. *Impurity and Gender in the Hebrew Bible.* Lanham: Lexington Books, 2015.

Grad, Alan David. “Studies in Biblical Uses of the Word *Dām*.” Ph.D. diss., Brandeis University, 1976.

Greenberg, Moshe. “The Biblical Conception of Asylum.” *JBL* 78/2 (1959): 125-132.

_____. *Ezekiel 1-20: A New Translation with Introduction and Commentary.* AB 22. Garden City: Doubleday, 1983.

_____. *Ezekiel 21-37: A New Translation with Introduction and Commentary*. AB 22A. New York: Doubleday, 1997.

_____. “*NḤŠTK* (Ezek. 16:36): Another Hebrew Cognate of Akk. *naḫāšu*.” Pages 85-86 in *Essays on the Ancient Near East in Memory of Jacob Joel Finkelstein.* Edited by M. de Jong Ellis. Hamden: Archon, 1977.

_____. “Some Postulates of Biblical Criminal Law.” Pages 5-28 in *Yehezkel Kaufmann Jubilee Volume*. Edited by Menahem Haran. Jerusalem: Magnes, 1960.

Gruber, Mayer. “Hebrew Qĕdēšā(h) and her Canaanite and Akkadian Cognates.” *UF* 18 (1986): 133-148.

_____. “Jeremiah 3:1-4:2 Between Deuteronomy 24:1-4 and Matthew 5: Jeremiah’s Exercise in Ethical Criticism.” Pages 233-249 in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*. Volume 1. Edited by Chaim Cohen, Victor Avigdor Hurowitz, Avi Hurvitz, Yochana Muffs, Baruch J. Schwartz, and Jeffrey H. Tigay. Winona Lake: Eisenbrauns, 2008.

Grünwaldt, Klaus. *Das Heiligkeitsgesetz Leviticus 17-26: Ursprüngliche Gestalt, Tradition und Theologie.* BZAW 271. Berlin: De Gruyter, 1999.

Haber, Susan. *"They Shall Purify Themselves": Essays on Purity in Early Judaism.* EJL 24. Leiden: Brill, 2008.

Habicht, Michael E, Maciej Henneberg, Lena Öhrström, Kaspar Staub, and Frank Rühli. "Body Height of Mummified Pharaohs Supports Historical Suggestions of Sibling Marriages." *American Journal of Physical Anthropology* 157/3 (2015): 519-525.

Haidt, Jonathan. "The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment." *Psychological Review* 108/4 (2001): 814-834.

_____. *The Righteous Mind: Why Good People are Divided by Politics and Religion.* New York: Pantheon, 2012.

Haidt, Jonathan, Paul Rozin, Clark McCauley, and Sumio Imada. "Body, Psyche, and Culture: The Relationship between Disgust and Morality." *Psychology and Developing Societies* 9/1 (1997): 107-131.

Hallo, William W. "Biblical Abominations and Sumerian Taboos." *JQR* 76/1 (1985): 21-40.

Halperin, David. *Seeking Ezekiel: Text and Psychology.* University Park: Pennsylvania State University Press, 1993.

Harrington, Hannah. "The Use of Leviticus in Ezra-Nehemiah." Paper presented at the Annual Meeting of the SBL. Chicago, IL, 21 November 2012. Revised 11 May, 2013.

Haupt, Paul. *The Book of Nahum: A New Metrical Translation with an Introduction, Restoration of the Hebrew Text and Explanatory Critical Notes.* Baltimore: Johns Hopkins University Press, 1907.

Hayes, Christine. *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud.* Oxford: Oxford University Press, 2002.

_____. "Intermarriage and Impurity in Ancient Jewish Sources." *HTR* 92/1 (1999): 3-36.

Heger, Paul. *Women in the Bible, Qumran and Early Rabbinic Literature: Their Status and Roles.* Leiden: Brill, 2014.

_____. "Patrilineal or Matrilineal Genealogy in Israel after Ezra." *JSJ* 43 (2012): 215-248.

Helck, Wolfgang. *Biographische Inschriften von Zeitgenossen Thutmosis' III und Amenophis' II.* Berlin: J. C. Hinrichs, 1955.

Hertzberg, Hans Wilhelm. *I & II Samuel: A Commentary.* OTL. Philadelphia: Westminster, 1964.

Herz, Rachel and Alden Hinds. “Stealing is not Gross: Language Distinguishes Visceral Disgust from Moral Violations.” *The American Journal of Psychology* 126/3 (2013): 275-286.

Hildebrandt, Samuel. *Interpreting Quoted Speech in Prophetic Literature: A Study of Jeremiah 2.1-3.5.* VTSup 176. Leiden: Brill, 2017.

Hills, S. O. “A Semantic and Conceptual Study of the Root KPR in the Hebrew Old Testament with Special Reference to the Accadian Kuppuru. Ph.D. diss. Johns Hopkins University, 1964.

Himmelfarb, Martha. *Between Temple and Torah: Essays on Priests, Scribes, and Visionaries in the Second Temple Period and Beyond.* TSAJ 151. Tübingen: Mohr Siebeck, 2013.

Hobbs, Thomas R. “Jeremiah 3:1-5 and Deuteronomy 24:1-4.” *ZAW* 86/1 (1974): 23-29.

Hobson, G. Thomas. “Cut Off From (One’s) People: Punitive Expulsion in the Torah.” Ph.D. diss., Concordia Seminary, St. Louis, 2010.

_____. “Punitive Expulsion in the Ancient Near East.” *ZABR* 17 (2011): 15-32.

Hodson, Gordon and Kimberly Costello. “Interpersonal Disgust, Ideological Orientations, and Dehumanization as Predictors of Intergroup Attitudes.” *Psychological Science* 18/8 (2007): 691-698.

Hoffmann, David. *Das Buch Leviticus.* 2 Volumes. Berlin: Poppelauer, 1905-06.

Hoffner, Harry Angier, Jr. “Incest, Sodomy and Bestiality in the Ancient Near East.” Pages 81-90 in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Occasion of His Sixty-Fifth Birthday.* Edited by Harry A. Hoffner. Neukirchen-Vluyn: Neukirchener Verlag, 1973.

_____. *The Laws of the Hittites: A Critical Edition.* DMOA XXIII. Leiden; Brill, 1997.

Hoglund, Kenneth G. *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah*. SBLDS 125. Atlanta: Scholars Press, 1992.

Holladay, William L. “Elusive Deuteronomists, Jeremiah, and Proto-Deuteronomy.” *CBQ* 66/1 (2004): 55-77.

_____. *Jeremiah 1: A Commentary on the Book of the Prophet Jeremiah, Chapters 1-25.* Philadelphia: Fortress, 1986.

_____. *The Root Šūbh in the Old Testament: With Particular Reference to Its Usages in Covenantal Contexts.* Leiden: Brill, 1959.

Hollenback, George M. “Who Is Doing What to Whom Revisited: Another Look at Leviticus 18:22 and 20:13.” *JBL* 136/3 (2017): 529-537.

Hornkohl, Aaron. *Ancient Hebrew Periodization and the Language of the Book of Jeremiah: The Case for a Sixth-Century Date of Composition*. Leiden: Brill, 2014.

Horstmanschoff, H. F. J. and Marten Stol, editors. *Magic and Rationality in Ancient Near Eastern and Graeco-Roman Medicine*. Leiden: Brill, 2004.

Houston, Walter. Review of *Impurity and Sin in Ancient Judaism*, by Jonathan Klawans. *JTS* 52/2 (2001): 722-725.

Houtman, Cornelis. *Das Bundesbuch: Ein Kommentar.* Leiden: Brill, 1997.

Hugenberger, Gordon P. *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi.* Eugene: Wipf & Stock, 1994.

Humbert, Paul. “Le substantif *to‘ēbā* et le verbe *t‘b* dans l’Ancient Testament.” *ZAW* 72 (1960): 217-237.

Hundley, Michael B. *Keeping Heaven on Earth: Safeguarding the Divine Presence in the Priestly Tabernacle.* FAT 2/50. Tübingen: Mohr Siebeck, 2011.

Hurvitz, Avi. “The Evidence of Language in Dating the Priestly Code: A Linguistic Study in Technical Idioms and Terminology.” *RB* 81/1 (1947), 24-56.

_____. “The Language of the Priestly Sources and Its Historical Setting: The Case for an Early Date.” *Proceedings of the World Congress of Jewish Studies* (1981), 83-94.

Hutton, Jeremy. “Reconsidering the Derivational Prefix of the Biblical Hebrew t-Stems Through Feature Geometry.” *Brill’s Journal of Afroasiatic Languages and Linguistics* 7 (2015): 30-69.

Hyatt, J. Philip. “Torah in the Book of Jeremiah.” *JBL* 60/4 (1941): 381-396.

Instone-Brewer, David. “Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate.” *JJS* 49/2 (1998): 230-243.

Irwin, Brian P. “Molek Imagery and the Slaughter of Gog in Ezekiel 38 and 39.” *JSOT* 65 (1995): 93-112.

Irwin, W. A. *The Problem of Ezekiel: An Inductive Study.* Chicago: University of Chicago Press, 1943.

Jackson, Bernard S. *Essays in Jewish and Comparative Legal History.* SJLA X. Leiden: Brill, 1975.

_____. "Homicide in the Hebrew Bible: A Review Essay." *ZABR* 12 (2006): 362-374.

_____. *Wisdom-Laws: A Study of the* Mishpatim *of Exodus 21:1-22:16.* Oxford: Oxford University Press, 2006.

Janowski, Bernd. *Sühne als Heilsgeschehen: Traditions- und religionsgeschichtliche Studien zur Sühnetheologie der Priesterschrift.* WMANT 55. Neukirchen-Vluyn: Neukirchener Verlag, 2000.

Japhet, Sara. *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period.* Winona Lake: Eisenbrauns, 2006.

_____. "People and Land in the Restoration Period." Pages 103-125 in *Das Land Israel in biblischer Zeit: Jerusalem-Symposium 1981 der Hebräischen Universität und der Georg-August-Universität.* Edited by Georg Strecker. GTA 25. Göttingen: Vandenhoeck & Ruprecht, 1983.

Joannès, F. and A. Lemaire. "Contrats babyloniens d'époque achéménide du Bît-Abî Râm avec une épigraphe araméenne." *RA* 90/1 (1996): 41-60.

_____.. "Trois tablettes cuneiforms à onomastique oust-sémitique." *Transeuphratène* 17 (1999):17-34.

Johnson, A. C., H. S. Gehman, and J. E. H. Kase, edd. *The John H. Scheide Biblical Papyri: Ezekiel.* Princeton University Studies in Papyrology 3. Princeton: Princeton University Press, 1938.

Johnson, Dylan R. "The Prophetic Lawsuit of Jeremiah 2-3: Text, Law, and Education in Biblical Prophecy." *ZABR* 23 (2017): 229-243.

Jones, Michael Owen. "What's Disgusting, Why, and What Does It Matter?" *Journal of Folklore Research* 37/1 (2000): 53-71.

Joosten, Jan. "La non-mention de la fille en Lévitique 18. Exercise sur la rhétorique du Code de Sainteté." *ETR* 75 (2000): 415-420.

_____. "A New Interpretation of Lev 18:22 (par. Lev 20:13) and its Ethical Implications." Paper presented at the University of Geneva. 28 May 2018.

_____. *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26.* VTSup LXVII. Leiden: Brill, 1996.

Joyce, Paul M. *Ezekiel: A Commentary.* New York: T & T Clark, 2007.

Kass, Leon R. "The Wisdom of Repugnance." *New Republic* 210/22 (1997): 17-26.

Kaufman, Steven. "The Structure of the Deuteronomic Law." *Maarav* 1-2 (1978-9): 105-158.

Kazen, Thomas. "Dirt and Disgust: Body and Morality in Biblical Purity Laws." Pages 43-64 in *Perspectives on Purity and Purification in the Bible.* Edited by Baruch J. Schwartz and David P. Wright. New York: T & T Clark, 2008.

_____. "Emotional Ethics in Biblical Texts: Cultural Construction and the Biological Bases of Morality." *HeBAI* 6 (2017): 431-456.

_____. *Emotions in Biblical Law*. HBM 36. Sheffield: Sheffield Phoenix Press, 2011.

_____. *Issues of Impurity in Early Judaism.* ConBNT 45. Winona Lake: Eisenbrauns, 2010

_____. *Jesus and Purity* Halakah: *Was Jesus Indifferent to Impurity?* ConBNT 38. Stockholm: Almqvist & Wiksell, 2002.

_____. "The Role of Disgust in Priestly Purity Law: Insights from Conceptual Metaphor and Blending Theories." *Journal of Law, Religion and State* 3 (2014): 62-92.

Keel, Othmar and Silvia Schroer. *Creation: Biblical Theologies in the Context of the Ancient Near East.* Translated by Peter T. Daniels. Winona Lake: Eisenbrauns, 2015.

Kelle, Brad E. "Dealing with the Trauma of Defeat: The Rhetoric of the Devastation and Rejuvenation of Nature in Ezekiel." *JBL* 128/3 (2009): 469-490.

Kelly, Daniel. *Yuck! The Nature and Moral Significance of Disgust.* Cambridge: The MIT Press, 2011.

Kim, Yoo-ki. "The Function of the Tautological Infinitive in Biblical Hebrew." Ph.D. diss., The Johns Hopkins University, 2006.

Klawans, Jonathan. "Idolatry, Incest, and Impurity: Moral Defilement in Ancient Judaism." *JSJ* 29/4 (1998): 391-415.

_____. *Impurity and Sin in Ancient Judaism.* Oxford: Oxford University Press, 2000.

_____. "The Impurity of Idolatry in Ancient Judaism." *JJS* 48/1 (1997): 1-16.

_____. "Notions of Gentile Impurity in Ancient Judaism." *AJS Review* 20/2 (1995): 285-312.

_____. *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism.* Oxford: Oxford University Press, 2006.

_____. "Ritual Purity, Moral Purity, and Sacrifice in Jacob Milgrom's *Leviticus*." *Religious Studies Review* 29/1 (2003):19-28.

_____. "Symbol, Function, Theology, and Morality in the Study of Priestly Ritual." Pages 106-117 in *Ancient Mediterranean Sacrifice.* Edited by Jennifer Wright Knust and Zsuzsanna Varhelyi. Oxford: Oxford University Press, 2011.

Klingbeil, Gerald A. *Bridging the Gap: Ritual and Ritual Texts in the Bible.* BBRSup 1. Winona Lake: Eisenbrauns, 2007.

_____. "'Not So Happily Ever After…' Cross-Cultural Marriages in the Time of Ezra-Nehemiah." *Maarav* 14/1 (2007): 39-75.

Knohl, Israel. *The Sanctuary of Silence: The Priestly Torah and the Holiness School.* Minneapolis: Fortress Press, 1995.

Knoppers, Gary. "Sex, Religion, and Politics: The Deuteronomist on Intermarriage." *HAR* 14 (1994): 121-141.

Koch, Klaus. "Ezra and the Origins of Judaism." *JSS* 19/2 (1974): 173-197.

Kohn, Risa Levitt. *A New Heart and a New Soul: Ezekiel, the Exile, and the Torah.* JSOTSup 358. Sheffield: Sheffield Academic Press, 2002.

Kraus, F. R. Ein Edikt des Königs Ammi-Ṣaduqa von Babylon. Studia et Documenta ad Iura Orientis Antiqui Pertinentia 5. Leiden: Brill, 1958.

Kugel, James. "The Bible's Earliest Interpreters." *Prooftexts* 7 (1987): 269-305.

Lafont, Sophie. *Femmes, Droit et Justice dans l'Antiquité orientale: Contribution à l'étude du droit penal au Proche-Orient ancien.* OBO 165. Göttingen: Vandenhoeck & Ruprecht, 1999.

Lakoff, George and Mark Johnson. *Metaphors We Live By.* Chicago: The University of Chicago Press, 1980. Repr. Chicago: The University of Chicago Press, 2003.

Lalleman, Hetty. *Jeremiah and Lamentations: An Introduction and Commentary.* TOTC 21. Downers Grove: IVP Academic, 2013.

Lam, Joseph. "The Metaphorical Patterning of the Sin-Concept in Biblical Hebrew." Ph.D. diss., The University of Chicago, 2012.

_____. *Patterns of Sin in the Hebrew Bible: Metaphor, Culture, and the Making of a Religious Concept.* Oxford: Oxford University Press, 2016.

Lambert, W. G. "A Document from a Community of Exiles in Babylonia." Pages 201-205 in New Seals and Inscriptions, Hebrew, Idumean, and Cuneiform. Edited by M. Lubetski. Sheffield: Sheffield Phoenix, 2007.

Lange, Armin. "Your Daughters Do Not Give to Their Sons and Their Daughters Do Not Take for Your Sons (Ezra 9,12): Intermarriage in Ezra 9-10 and in the Pre-Maccabean Dead Sea Scrolls." *BN NF* 139 (2008): 79-98.

Lane, Edward W. *An Arabic-English Lexicon.* 8 Vols. Beirut: Libraire du Liban, 1968.

Lemche, Neils Peter. "*Andurārum* and *Mīšarum*: Comments on the Problem of Social Edicts and Their Application in the Ancient Near East." *JNES* 38/1 (1979): 11-22.

Lemos, Tracy M. "Where There Is Dirt, Is There System? Revisiting Biblical Purity Constructions." *JSOT* 37/3 (2013): 265-294.

Leuchter, Mark. "The Exegesis of Jeremiah in and Beyond Ezra 9-10." *VT* 65 (2015): 62-80.

Levenson, Jon D. *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence.* Princeton: Princeton University Press, 1988.

_____. *Sinai and Zion: An Entry into the Jewish Bible.* New York: HarperOne, 1985.

_____. *Theology of the Program of Restoration of Ezekiel 40-48.* HSM 10. Missoula: Scholars, 1976.

Levine, Baruch. *In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel.* SJLA 5. Leiden: Brill, 1974.

_____. *Leviticus.* JPS Torah Commentary. Philadelphia: Jewish Publication Society, 1989.

_____. *Numbers 21-36: A New Translation with Introduction and Commentary.* AB 4A. New York: Doubleday, 2000.

Levine, Baruch and Jean-Michel de Tarragon. "Dead Kings and Rephaim: The Patrons of the Ugaritic Dynasty." *JAOS* 104 (1984): 649-659.

Levinson, Bernard. "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah." *VT* 51/4 (2001): 511-534.

Lewis, Theodore J. "A Holy Warrior at Kuntillet 'Ajrud? Kuntillet 'Ajrud Plaster Inscription 4.2." Forthcoming chapter in P. Kyle McCarter Festschrift.

_____. "How Far Can Texts Take Us? Evaluating Textual Sources for Reconstructing Ancient Israelite Beliefs about the Dead." Pages 169-217 in *Sacred Time, Sacred Place: Archaeology and the Religion of Ancient Israel.* Edited by Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002.

_____. "Toward a Literary Translation of the Rapiuma Texts." Pages 115-149 in *Ugarit, Religion and Culture: Proceedings of the International Colloquium on Ugarit, Religion and Culture, Edinburgh, July 1994. Essays Presented in Honour of Professor John C. L. Gibson.* Edited by N. Wyatt, W. G. E. Watson, and J. B. Lloyd. UBL 12. Münster: Ugarit-Verlag, 1996.

_____. "Ugaritic Athtartu Šadi, Food Production, and Textiles: More Data for Reassessing the Biblical Portrayal of Aštart in Context." Pages 138-159 in *Mighty Baal: Essays in Honor of Mark S. Smith*. Edited by Stephen C. Russell and Esther J. Hamori. Leiden: Brill, 2020.

_____. "'You Have Heard What the Kings of Assyria Have Done': Disarmament Passages vis-à-vis Assyrian Rhetoric of Intimidation." Pages 75-100 in *Isaiah's Vision of Peace in Biblical and Modern International Relations: Swords into Plowshares.* Edited by Raymond Cohen and Raymond Westbrook. New York: Palgrave Macmillan, 2008.

Lilly, Ingrid E. *Two Books of Ezekiel: Papyrus 967 and the Masoretic Text as Variant Literary Editions.* VTSup 150. Leiden: Brill, 2012.

Lion, Brigitte. "L'*andurāru à l'époque médio-babylonienne d'après les documents de Terqa, Nuzi et Arrapha.*" *SCCNH* 10 (1999): 313-327.

Lipka, Hilary B. "Profaning the Body: חלל and the Conception of Loss of Personal Holiness in H." Pages 90-113 in *Bodies, Embodiment, and Theology of the Hebrew Bible.* Edited by S. Tamar Kamionkowski and Wonil Kim. LHBOTS 465. New York: T & T Clark, 2010.

_____. *Sexual Transgression in the Hebrew Bible.* HBM 7. Sheffield: Sheffield Phoenix, 2006.

Lipka, Hilary and Bruce Wells. *Sexuality and Law in the Torah.* LHBOTS 675. London: T & T Clark.

Long, Burke O. "The Stylistic Components of Jeremiah 3:1-5." *ZAW* 88/3 (1976): 386-390.

Luciani, Didier. *Sainteté et pardon.* 2 vols. BETL CLXXXVB. Leuven: Leuven University Press, 2005.

Lundbom, Jack R. *Deuteronomy: A Commentary*. Grand Rapids: Eerdmans, 2013.

_____. *Jeremiah 1-20: A New Translation with Introduction and Commentary.* AB 21A. New York: Doubleday, 1999.

_____. *Jeremiah: A Study in Ancient Hebrew Rhetoric.* Winona Lake: Eisenbrauns, 1997.

Lust, Johan. "Ezekiel 36-40 in the Oldest Greek Manuscript." *CBQ* 43 (1981): 517-533.

_____. "Textual Criticism of the Old and New Testament: Stepbrothers?" Pages 15-31 in *New Testament Textual Criticism and Exegesis*. Edited by A. Denaux. Leuven: Leuven University Press, 2002.

Lyons, Michael A. *From Law to Prophecy: Ezekiel's Use of the Holiness Code.* LHBOTS 507. New York: T & T Clark, 2009.

Maccoby, Hyam. *Ritual and Morality: The Ritual Purity System and its Place in Judaism.* Cambridge: Cambridge University Press, 1999.

Mandelkern, Solomon. *Veteris Testamenti, Concordantiae Hebraicae Atque Chaldaicae.* Tel Aviv: Schocken, 1967.

Margalit, Baruch. "Lexicographical Notes on the *Aqht* Epic." *UF* 15 (1983): 65-103.

_____. *The Ugaritic poem of Aqht: Text, Translation, Commentary.* BZAW 182. Berlin: De Gruyter, 1989.

Martin, James D. "The Forensic Background to Jeremiah III 1." *VT* 19/1 (1969): 82-92.

Mastnjak, Nathan. *Deuteronomy and the Emergence of Textual Authority in Jeremiah.* FAT 2/87. Tübingen: Mohr Siebeck, 2016.

Mattison, Kevin. "Contrasting Conceptions of Asylum in Deuteronomy 19 and Numbers 35." *VT* 68 (2018): 232-251.

Mayes, A. D. H. *Deuteronomy*. NCB. Grand rapids: Eerdmans, 1981.

McClenney-Sadler, Madeline Gay. *Recovering the Daughter's Nakedness: A Formal Analysis of Israelite Kinship Terminology and the Internal Logic of Leviticus 18*. LHBOTS 476. New York: T & T Clark, 2007.

McConville, J. G. *Deuteronomy.* ApOTC 5. Downers Grove: InterVarsity, 2002.

McKane, William. *A Critical and Exegetical Commentary on Jeremiah*. 2 Volumes. ICC. Edinburgh: T & T Clark, 1986.

McKeating, Henry. "The Development of the Law of Homicide in Ancient Israel." *VT* 25/1 (1975): 46-68.

Meacham, Tirzah. “Female Purity (Niddah).” *Jewish Women: A Comprehensive Historical Encyclopedia.* 27 February 2009. Jewish Women’s Archive. (Viewed on March 29, 2021). https://jwa.org/encyclopedia/article/female-purity-niddah.

Melcher, Sarah J. “The Holiness Code and Human Sexuality.” Pages 87-102 in *Biblical Ethics and Homosexuality: Listening to Scripture.* Edited by Robert L. Brawley. Louisville: Westminster John Knox, 1996.

Meyers, Carol. *Discovering Eve: Ancient Israelite Women in Context.* Oxford: Oxford University Press, 1988.

Milgrom, Jacob. “Cultic שִׁגגָה and Its Influence in Psalms and Job.” *JQR* 58/2 (1967): 115-125.

_____. “‘Eglah ‘Arufah.” *EJ* 6:220-221.

_____. *Leviticus 1-16: A New Translation with Introduction and Commentary.* AB 3. New York: Doubleday, 1991.

_____. *Leviticus 17-22: A New Translation with Introduction and Commentary.* AB 3A. New York: Doubleday, 2000.

_____. *Leviticus 23-27: A New Translation with Introduction and Commentary.* AB 3B. New York: Doubleday, 2001.

_____. *Numbers.* JPS Torah Commentary. Philadelphia: Jewish Publication Society, 1990.

_____. “Sancta Contagion and Altar/City Asylum.” Pages 278-310 in *Congress Volume Vienna 1980.* Edited by J. A. Emerton. VTSup 32. Leiden: Brill, 1981.

_____. “Systemic Differences in the Priestly Corpus: A Response to Jonathan Klawans.” *RB* 112/3 (2005): 321-329.

Miller, James E. “Notes on Leviticus 18.” *ZAW* 112 (2000): 401-403.

Miller, Patrick. *Deuteronomy*. Louisville: John Knox, 1990.

Miller, William Ian. *The Anatomy of Disgust.* Cambridge: Harvard University Press, 1997.

Mohrmann, Doug C. “Making Sense of Sex: A Study of Leviticus 18.” *JSOT* 29/1 (2004): 57-79.

Moran, William L. *The Amarna Letters.* Baltimore: The Johns Hopkins University Press, 1992.

Munch-Jurišić, Ditte Marie. “Perpetrator Abhorrence: Disgust as a Stop Sign.” *Metaphilosophy* 45/2 (2014): 270-287.

Myers, Jacob M. *Ezra : Nehemiah.* AB 14. Garden City: Doubleday, 1965.

Na'aman, Nadav. "Sojourners and Levites in the Kingdom of Judah in the Seventh Century BCE." *ZABR* 14 (2008): 237-279.

Nemeroff, C. and Paul Rozin. "Sympathetic Magical Beliefs and Kosher Dietary Practice: The Interaction of Rules and Feelings." *Ethos: The Journal of Psychological Anthropology* 20 (1992): 96-115.

Neufeld, Edward. "The Earliest Document of a Case of Contagious Disease in Mesopotamia (Mari Tablet *ARM* X, 129)." *JANES* 18 (1986): 53-66.

Neusner, Jacob. *The Idea of Purity in Ancient Judaism: The Haskell Lectures, 1972-1973*. SJLA 1. Leiden: Brill, 1973.

Nicholson, Ernest W. *Jeremiah Chapters 1-25.* CBC. Cambridge: Cambridge University Press, 1973.

Niditch, Susan. "Ezekiel 40-48 in a Visionary Context." *CBQ* 48 (1986): 208-224.

Nihan, Christophe. *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus.* FAT 2/25. Tübingen: Mohr Siebeck, 2007.

North, Robert Grady. *Sociology of the Biblical Jubilee*. AnBib 4. Rome: Pontifical Biblical Institute, 1954.

Noth, Martin. *Numbers: A Commentary.* Translated by James D. Martin. OTL. Philadelphia: Westminster, 1968.

Nussbaum, Martha C. *Hiding from Humanity: Disgust, Shame, and the Law.* Princeton: Princeton University Press, 2004.

Nyberg, Kristel. "Sacred Prostitution in the Biblical World?" Pages 305-320 in *Sacred Marriages: The Divine-Human Sexual Metaphor from Sumer to Early Christianity.* Edited by Martti Nissinen and Risto Uro. Winona Lake: Eisenbrauns, 2008.

Odell, Margaret S. "Fragments of Traumatic Memory: *Ṣalmê Zākār* and Child Sacrifice in Ezekiel 16:15-22." Pages 107-124 in *Bible Through the Lens of Trauma*. Edited by Elizabeth Boase and Christopher G. Frechette. SemeiaSt 86. Atlanta: Society of Biblical Literature, 2016.

Olyan, Saul M. "'And with a Male You Shall Not Lie the Lying Down of a Woman': On the Meaning and Significance of Leviticus 18:22 and 20:13." *Journal of the History of Sexuality* 5/2 (1994): 179-206.

_____. “Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community.” *JSJ* 35/1 (2004): 1-16.

_____. *Rites and Rank: Hierarchy in Biblical Representations of Cult.* Princeton: Princeton University Press, 2000.

_____. *Social Inequality in the World of the Text: The Significance of Ritual and Social Distinctions in the Hebrew Bible*, JAJSup 4 (Göttingen: Vandenhoeck & Ruprecht, 2011.

Orlnsky, Harry M. “The Meaning of the Root *ŠKB.*” *JBL* 63/1 (1944): 19-44.

Otto, Eckart. “Das Verbot der Wiederherstellung einer geschiedenen Ehe.” *UF* 24 (1992): 301-310.

_____. *Gottes Recht als Menschenrecht: Rechts- und literaturhistorische Studien zum Deuteronomium.* BZAR 2. Wiesbaden: Harrassowitz, 2002.

_____. “Rechtliche und außerrechtliche Konzepte der Gewaltvermeidung und -reduktion in der Hebräischen Bibel.” *ZABR* 23 (2017): 105-114.

Pakkala, Juha. “The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah.” Pages 193-221 in *Changes in Scripture.* Edited by Hanne von Weiseenberg, Juha Pakkala, and Marko Marttila. BZAW 419. Berlin: De Gruyter, 2011.

Pardee, Dennis. “A New Aramaic Inscription from Zincirli.” *BASOR* 356 (2009): 51-71.

Patai, Raphael. “The ‘Egla ‘Arufa or the Expiation of the Polluted Land.” *JQR* 30/1 (1939): 59-69.

Paul, Shalom. *Isaiah 40-66: Translation and Commentary.* Grand Rapids: Eerdmans, 2012.

Pearce, L. E. “Continuity and Normality in Sources Relating to the Judean Exile.” HeBAI 3 (2014): 163-184.

Pearce, L. E. and C. Wunsch. Documents of Judean Exiles and West Semites in Babylonia in the Collection of David Sofer. CUSAS 28. Bethesda: CDL, 2014.

Peled, Ilan. “Crime and Sexual Offense in Hatti.” *NEA* 78/4 (2015): 286-293.

_____. “Expelling the Demons of Effeminacy: Anniwiyani’s Ritual and the Question of Homosexuality in Hittite Thought.” *JANER* 10/1 (2010): 69-81.

_____. “Gender and Sex Crimes in the Ancient Near East: Law and Custom.” Pages 27-40 in *Structures of Power: Law and Gender Across the Ancient Near East and Beyond.* Edited by Ilan Peled. Chicago: The Oriental Institute of the University of Chicago, 2018.

_____. "*'Amore, more, ore, re…'* Sexual Terminology and Hittite Law." Pages 247-260 in *Pax Hethitica: Studies on the Hittites and their Neighbours in Honour of Itamar Singer.* Edited by Yoram Cohen, Amir Gilan, and Jared L. Miller. StBoT 51. Wiesbaden: Harrassowitz, 2010.

Pikor, Wojciech. *The Land of Israel in the Book of Ezekiel.* LHBOTS 667. London: T & T Clark, 2018.

Pinker, Aron. "On the Meaning of *šgl*." *JSIJ* 8 (2009): 167-182.

Pitkänen, Pekka. *A Commentary on Numbers: Narrative, Ritual and Colonialism.* London: Routledge, 2018.

Pope, Marvin H. "Notes on the Rephaim Texts from Ugarit." Pages 163-182 in *Essays on the Ancient Near East in Memory of Jacob Joel Finkelstein.* Edited by Maria de Jong Ellis. Hamden: Archon, 1977.

Postgate, J. Nicholas. *Fifty Neo-Assyrian Legal Documents.* Warminster: Aris and Phillips, 1976.

Pressler, Carolyn. *The View of Women Found in the Deuteronomic Family Laws.* BZAW 216. Berlin: De Gruyter, 1993.

Prinz, Jesse. *The Emotional Construction of Morals.* Oxford: Oxford University Press, 2007.

Pritchard, James B. *The Ancient Near East: An Anthology of Texts and Pictures.* Princeton: Princeton University Press, 2011.

Puhvel, Jaan. *Hittite Etymological Dictionary.* 10 vols. Berlin: Mouton, 1984-2017.

Rainey, Anson F. "Amenhotep II's Campaign to Takhsi." *JARCE* 10 (1973): 71-75.

_____. *The El-Amarna Correspondence: A New Edition of the Cuneiform Letters from the Site of El-Amarna based on Collations of all Extant Tablets.* 2 Vols. Edited by William Schniedewind and Zipora Cochavi-Rainey. HdO 110. Leiden: Brill, 2015.

Rashkow, Ilona N. *Taboo or not Taboo: Sexuality and Family in the Hebrew Bible.* Minneapolis: Fortress, 2000.

Rattray, Susan. "Marriage rules, Kinship Terms and Family Structure in the Bible." Pages 537-544 in *SBL 1987 Seminar Papers.* SBLSP 26. Atlanta: Scholars, 1987.

Reardon, Timothy W. "'Hanging on a Tree': Deuteronomy 21.22-23 and the Rhetoric of Jesus' Crucifixion in Acts 5.12-42." *JSNT* 37/4 (2015): 407-431.

Reicher, Stephen, Anne Templeton, Fergus Neville, Lucienne Ferrari, and John Drury. "Core Disgust is Attenuated by Ingroup Relations." *Proceedings of the National Academy of Sciences of the United States of America* 113/10 (2016): 2631-2635.

Rendtorff, Rolf. "Leviticus 16 als Mitte der Tora." *BibInt* 11 3/4 (2003): 252-258.

Renger, Johannes. "Royal Edicts of the Old Babylonian Period–Structural Background." Pages 139-162 in *Debt and Economic Renewal in the Ancient Near East.* Edited by Michael Hudson and Marc Van de Mieroop. Bethesda: CDL, 2002.

Ribicini, Sergio and Paolo Xella. "La Valle dei Pasanti (Ezechiel 39.11)." *UF* 12 (1980): 434-437.

Ricouer, Paul. *The Symbolism of Evil*. Translated by Emerson Buchanan. Religious Perspectives 17. New York: Harper & Row, 1967.

Ritner, Robert K. *The Mechanics of Ancient Egyptian Magical Practice.* SAOC 54. Chicago: The Oriental Institute of the University of Chicago, 1993.

Robinson, Gnana. *Let Us Be Life the Nations: A Commentary on the Books of 1 and 2 Samuel.* ITC. Grand Rapids: Eerdmans, 1993.

Rofé, Alexander. *Deuteronomy: Issues and Interpretation.* London: T & T Clark, 2002.

Rom-Shiloni, Dalit. "Actualization of Pentateuchal Legal Traditions in Jeremiah: More on the Riddle of Authorship." *ZABR* 15 (2009): 254-281.

_____. "Ezekiel and Jeremiah: What Might Stand Behind the Silence?" *HeBAI* 1 (2012): 203-230.

_____. "Ezekiel as the Voice of the Exiles and Constructor of Exilic Ideology." *HUCA* 76 (2005): 1-45.

_____. "From Ezekiel to Ezra-Nehemiah: Shifts of Group Identities within Babylonian Exilic Ideology." Pages 127-151 in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context.* Edited by Oded Lipschits, Gary N. Knoppers, and Manfred Oeming. Winona Lake: Eisenbrauns, 2011.

_____. "From Prophetic Words to Prophetic Literature: Challenging Paradigms That Control Our Academic Thought on Jeremiah and Ezekiel." *JBL* 138/3 (2019): 565-586.

_____. "'How can you say, "I am not defiled…"' (Jeremiah 2:20-25): Allusions to Priestly Legal Traditions in the Poetry of Jeremiah." *JBL* 133/4 (2014): 757-775.

Rösch, Petra and Udo Simon, eds. *How Purity is Made.* Wiesbaden: Harrasowitz, 2012.

Rozin, Paul. "Food is Fundamental, Fun, Frightening, and Far-Reaching." *Social Research* 66/1 (1999): 9-30.

Rozin, Paul, Jonathan Haidt, and Katrina Fincher. "From Oral to Moral." *Science* 323/5918 (2009): 1179-1180.

Rozin, Paul, Jonathan Haidt, and Clark R. McCauley. "Disgust." Pages 637-653 in *Handbook of Emotions*. 2nd ed. Edited by Michael Lewis and Jeannette M. Haviland-Jones. New York: Guilford, 2000.

Rozin, Paul, L. Millman, and C. Nemeroff. "Operation of the Laws of Sympathetic Magic in Disgust and Other Domains." *Journal of Personality and Social Psychology* 50 (1986): 703-712.

Rozin, Paul, C. Nemeroff, M. Wane, and A. Sherrod. "Operation of the Sympathetic Magical Law of Contagion in Interpersonal Attitudes Among Americans." *Bulletin of the Psychonomic Society* 27 (1989): 367-370.

Rüwe, Andreas. "Das Zusammenwirken von 'Gerichtsverhandlung', 'Blutrache' und 'Asyl': Rechtsgeschichtliche Erwägungen zu den todesrechtsrelevanten Asylbestimmungen im Hexateuch." *ZABR* 6 (2000): 190-221.

_____. *"Heiligkeitsgesetz" und "Priesterschrift": Literaturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1-26,2.* FAT 26. Tübingen: Mohr Siebeck, 1999.

Saur, Markus. "L'adultère et la prostitution dans la littérature prophétique de l'Ancien Israël." Pages 243-251 in *Tabout et transgressions: Actes du colloque organisé par le Collège de France, Paris, les 11-12 avril 2012.* Edited by Jean-Marie Durand, Michael Guishard, and Thomas Römer. Fribourg: OBO 274. Vandenhoeck & Ruprecht, 2015.

Scharbert, Josef. *Heilsmittler im Alten Testament und im alten Orient.* QD 23/24. Freiburg: Herder, 1964.

Scheidel, Walter. "Ancient Egyptian Sibling Marriage and the Westermarck Effect." Pages 93-105 in *Inbreeding, Incest, and the Incest Taboo: The State of Knowledge at the Turn of the Century.* Edited by Arthur P. Wolf and William H. Durham. Stanford: Stanford University Press, 2005.

_____. "Brother-Sister Marriage in Roman Egypt." *Journal of Biosocial Science* 29/3 (1997): 361-371.

Schenker, Adrian. "kōper et expiation." *Biblica* 63 (1982): 32-46.

_____. "What Connects the Incest Prohibitions with the Other Prohibitions Listed in Leviticus 18 and 20?" Pages 162-185 in *The Book Of Leviticus: Composition and Reception.* Edited by Rolf Rendtorff and Robert A. Kugler. VTSup XCIII. FIOTL III. Leiden: Brill, 2003.

Schmidt, Ludwig. *Das vierte Buch Mose: Numeri 10,11-36,13.* ATD 7/2. Göttingen: Vandenhoeck & Ruprecht, 2004.

Schwagmeier, Peter. "Untersuchungen zu Textgeschichte und Entstehung des Ezechielbuches in masoretischer und griechischer Überlieferung." Ph.D. diss., University of Zurich, 2004.

Schwartz, Baruch J. "The Bearing of Sin in the Priestly Literature." Pages 3-21 in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom.* Edited by David P. Wright, David Noel Freedman, and Avi Hurvitz. Winona Lake: Eisebrauns, 1995.

_____. "Israel's Holiness: The Torah Traditions." Pages 47-59 in *Purity and Holiness: The Heritage of Leviticus.* Edited by M. J. H. M. Poorthuis and J. Schwartz. Jewish and Christian Perspectives Series II. Leiden: Brill, 2000.

Schwarzenbach, Armin. *Die geographische Terminologie im Hebräischen des Alten Tetaments*. Leiden: Brill, 1954.

Sedlmeier, Franz. *Das Buch Ezechiel: Kapitel 25-48.* NSKAT 21/2. Stuttgart: Katholisches Bibelwerk, 2013.

Seebass, Horst. "'Holy' Land in the Old Testament: Numbers and Joshua." *VT* 56/1 (2006): 92-104.

_____. *Numeri.* 3 vols. BKAT IV. Neukirchen-Vluyn: Neukirchener Verlag, 2007.

Seidel, Moshe. "Parallels Between Isaiah and Psalms." *Sinai* 38 (1955), `49-172, 229-240, 272-280, 335-355.

Shahani, Gitanjali G. *Tasting Difference: Food, Race, and Cultural Encounters in Early Modern Literature.* Ithaca: Cornell University Press, 2020.

Shields, Mary E. *Circumscribing the Prostitute: The Rhetorics of Intertextuality, Metaphor and Gender in Jeremiah 3.1-4.4.* JSOTSup 387. London: T & T Clark, 2004.

Sklar, Jay. *Leviticus.* TOTC 3. Downers Grove: InterVarsity Press, 2014.

_____. "Sin and Atonement: Lessons from the Pentateuch." *Bulletin for Biblical Research* 22/4 (2012): 467-491.

_____. *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions.* HBM 2. Sheffield: Sheffield Phoenix, 2015.

_____. "Sin and Impurity: Atoned or Purified? Yes!" Pages 18-31 in *Perspectives on Purity and Purification in the Bible.* Edited by Baruch J. Schwartz, David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel. LHBOTS 474. London: T & T Clark, 2008.

Smith-Christopher, Daniel L. "The Mixed Marriage Crisis in Ezra 9-10 and Nehemiah 13: A Study of the Sociology of the Post-Exilic Judean Community." Pages 243-265 in *Second Temple Studies: Temple Community in the Persian Period.* Edited by Tamara Eskenazi and Kent Richards. JSOTSup 175. Sheffield: JSOT Press, 1994.

Sokoloff, Michael. *A Dictionary of Jewish Palestinian Aramaic.* Baltimore: The Johns Hopkins University Press, 2002.

_____. *A Syriac Lexicon: A Translation from the Latin, Correction, Expansion, and Update of C. Brockelmann's Lexicon Syriacum.* Winona Lake: Eisenbrauns, 2009.

Sonsino, Rifat. *Motive Clauses in Hebrew Law: Biblical Forms and Near Eastern Parallels.* SBLDS 45. Atlanta: Scholars Press, 1980.

Southwood, Katherine E. *Ethnicity and the Mixed Marriage Crisis in Ezra 9-10: An Anthropological Approach.* Oxford: Oxford University Press, 2012.

_____. "'And They Could Not Understand Jewish Speech': Language, Ethnicity, and Nehemiah's Intermarriage Crisis." *JTS* 62/1 (2011): 1-19.

Spronk, Klaas. *Beatific Afterlife in Ancient Israel and in the Ancient Near East.* AOAT 219. Neukirchen-Vluyn: Neukirchener Verlag, 1986.

Stackert, Jeffrey. *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation.* FAT 52. Tübingen: Mohr Siebeck, 2007.

Staubli, Thomas. "Disgusting Deeds and Disgusting Gods: Ethnic and Ethical Constructions of Disgust in the Hebrew Bible." *HeBAI* 6 (2017): 457-487.

_____. *Die Bucher Levitikus Numeri.* NSKAT 3. Stuttgart: Katholisches Bibelwerk, 1996.

Stavrakopoulou, Francesca. "Gog's Grave and the Use and Abuse of Corpses in Ezekiel 39:11-20." *JBL* 129/1 (2010): 67-84.

Stewart, David Tabb. "Ancient Sexual Laws: Text and Intertext of the Biblical Holiness Code and Hittite Law." Ph.D. diss., University of California, Berkeley, 2000.

Stiebert, Johanna. *First-Degree Incest and the Hebrew Bible: Sex in the Family.* London: Bloomsbury T & T Clark, 2016.

Stol, Marten. *Women in the Ancient Near East.* Translated by Helen and Mervyn Richardson. Berlin: de Gruyter, 2016.

Thackston, Wheeler. *An Introductin to Koranic and Classical Arabic.* Cambridge: Harvard University Press, 1990.

Tigay, Jeffrey H. *Deuteronomy.* JPS Torah Commentary. Philadelphia: Jewish Publication Society, 1996.

Tooman, William A. *Gog of Magog: Reuse of Scripture and Compositional Technique in Ezekiel 38-39.* FAT 2/52. Tübingen: Mohr Siebeck, 2011.

Tooman, William A. and Penelope Barter, eds. *Ezekiel: Current Debates and Future Directions.* FAT 112. Tübingen: Mohr Siebeck, 2017.

Torrey, Charles Cutler. *The Second Isaiah: A New Interpretation.* New York: Charles Scribner's Sons, 1928.

Tov, Emanuel. "The Literary History of the Book of Jeremiah in the Light of its Textual History." Pages 363-384 in *The Greek and Hebrew Bible: Collected Essays in the Septuagint*. Edited by Emanuel Tov. VTSup 72. Leiden: Brill, 1999.

_____. *Textual Criticism of the Hebrew Bible.* 2nd Revised Edition. Minneapolis: Fortress, 2001.

Traulsen, Christian. *Das sakrale Asyl in der Alten Welt: Zur Schutzfunktion des Heiligen von König Salomo bis zum Codex Theodosianus.* Jus Ecclesiasticum 72. Tübingen: Mohr Siebeck, 2004.

Tropper, Josef. *Ugaritische Grammatik: Zweite, stark überarbeitete und erweitete Auflage.* AOAT II/273. Münster: Ugarit-Verlag, 2012.

Tuell, Steven Shawn. *The Law of the Temple in Ezekiel 40-48.* HSM 49. Atlanta: Scholars, 1992.

_____. "The Rivers of Paradise: Ezekiel 47:1-12 and Genesis 2:10-14." Pages 171-189 in *God Who Creates: Essays in Honor of W. Sibley Towner.* Edited by William P. Brown and S. Dean McBride Jr. Grand Rapids: Eerdmans, 2000.

Tushima, Cephas. *The Fate of Saul's Progeny in the Reign of David.* Cambridge: James Clarke & Co, 2012.

Van der Toorn, Karel. “Prostitution in Payment of Vows in Ancient Israel.” *JBL* 108/2 (1989): 193-205.

VanDrunen, David. *Divine Covenants and Moral Order: A Biblical Theology of Natural Law.* Emory University Studies in Law and Religion. Grand Rapids: Eerdmans, 2014.

VanGemeren, Willem A, ed. *New International Dictionary of Old Testament Theology and Exegesis.* 5 vols. Grand Rapids: Zondervan, 1997.

Van Wijk-Bos, Johanna W. *Ezra, Nehemiah, and Esther.* Louisville: Westminster John Knox, 1998.

Van Wolde, Ellen. “A Cognitive Linguistic Study of the Concept of Defilement in Ezekiel 22:1-16.” Pages 257-271 in *Biblical Interpretation and Method: Essays in Honour of John Barton.* Edited by Katharine J. Dell and Paul M. Joyce. Oxford: Oxford University Press, 2013.

_____. “Does ‘innâ Denote Rape? A Semantic Analysis of a Controversial Word.” *VT* 52/4 (2002): 528-544.

Varšo, Miroslav. “Abomination in the Legal Code of Deuteronomy: Can an Abomination Motivate?” *ZABR* 13 (2007): 249-260.

Villard, Pierre. “*L’(an)durāru à l’époque néo-assyrienne.*” *RA* 101 (2007): 107-124.

Von Rad, Gerhard. *Deuteronomy: A Commentary*. Translated by Dorothea Barton. OTL. Philadelphia: Westminster, 1966.

_____. *Old Testament Theology.* Translated by D. M. G. Stalker. 2 Vols. New York: Harper & Row, 1962-1965.

Wächter, Ludwig. “Reste von Šaf‘el-Bildungen im Hebräischen.” *ZAW* 83/3 (1971): 380-389.

Wagner, Max. *Die lexicalishen und grammaticalischen Aramaismen im Alttestamentlichen Hebräisch.* Berlin: Aflred Töpelmann, 1966.

Wagner, Volker. “Beobachtungen am Amt der Ältesten im alttestamentlichen Israel.” *ZAW* 114/4 (2002): 560-576.

Walsh, Jerome T. “Leviticus 18:22 and 20:13: Who Is Doing What to Whom?” *JBL* 120/2 (2001): 201-209.

Walton, John. “The Place of the *Hutqaṭṭel* Within the D-Stem Group and Its Implications in Deuteronomy 24:4.” *Hebrew Studies* 32 (1991): 7-17.

Waerzeggers, C. Review of L. E. Pearce and C. Wunsch, *Documents of Judean Exiles and West Semites in Babylonia in the Collection of David Sofer*. STRATA 33 (2015): 179-194.

Washington, Harold C. "The Strange Woman of Proverbs 1-9 and Post-Exilic Judean Society." Pages 217-242 in *Second Temple Studies: Temple Community in the Persian Period.* Edited by Tamara Eskenazi and Kent Richards. JSOTSup 175. Sheffield: JSOT Press, 1994.

Weinberg, J. P. "Die Agrarverhaltnisse in der Bürger-Tempel-Gemeinde der Achämenidenzeit." *Acta Antiqua Academiae Scientiarum Hungaricae* 22 (1974): 473-485.

Weinfeld, Moshe. *Deuteronomy and the Deuteronomic School.* Winona Lake: Eisenbrauns, 1992.

_____. "On 'Demythologization and Secularization' in Deuteronomy." *IEJ* 23/4 (1973): 230-233.

_____. "Sabbath, Temple and Enthronement of the Lord: The Problem of the Sitz im Leven of Genesis 1:1-2:3." Pages 501-512 in M*élanges bibliques et orientaux en l'honneur de M. Henri Cazelles*. Edited by A. Caquot and M. Delcor. AOAT 212. Neukirchen-Vluyn: Neukirchener Verlag, 1981.

_____. *Social Justice in Ancient Israel and in the Ancient Near East.* Minneapolis: Fortress, 1995.

Wellhausen, Julius. *Israelitische und Jüdische Geschichte.* Berlin: Walter de Gruyter, 1921.

Wells, Bruce. "The Grammar and Meaning of the Leviticus Texts on Same-Sex Relations Reconsidered." Paper presented at the Annual Meeting of the Society of Biblical Literature. San Diego, CA, 24 November 2014.

_____. "The Hated Wife in Deuteronomic Law." *VT* 60 (2010): 131-146.

Wenham, Gordon J. *The Book of Leviticus.* NICOT. Grand Rapids: Eerdmans, 1979.

_____. *Numbers: An Introduction and Commentary.* TOTC 4. Downers Grove: Intervarsity Press, 1981. Repr., Downers Grove: Intervarsity, 2008.

_____. "The Restoration of Marriage Reconsidered." *JJS* 30 (1979): 36-40.

_____. "Sanctuary Symbolism in the Garden of Eden Story." Pages 399-404 in *I Studied Inscriptions from Before the Flood: Ancient Near Eastern, Literary, and Linguistic Approaches to Genesis 1-11.* Edited by Richard S. Hess and David Toshio Tsumura. Winona Lake: Eisenbrauns, 1994.

Westbrook, Raymond. *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook.* 2 vols. Edited by Bruce Wells and Rachel Magdalene. Winona Lake: Eisenbrauns, 2009.

_____. "Personal Exile in the Ancient Near East." *JAOS* 128/2 (2008): 317-323.

Westbrook, Raymond and Theodore J. Lewis. "Who Led the Scapegoat in Leviticus 16:21?" *JBL* 127/3 (2008): 417-422.

Westbrook, Raymond and Bruce Wells. *Everyday Law in Biblical Israel: An Introduction.* Louisville: Westminster John Knox, 2009.

Westenholz, Joan Goodnick. "Tamar, Qĕdēšā, Qadištu, and Sacred Prostitution in Mesopotamia." *HTR* 82 (1989): 245-265.

Westermann, Claus. *Isaiah 40-66*. Translated by D.M.G. Stalker. Louisville: Westminster John Knox, 1969.

Wevers, John William. *Notes on the Greek Text of Deuteronomy.* Atlanta: Scholars, 1995.

Whitekettle, Richard. "Life's Labors Lost: Priestly Death and Returning Home From a City of Refuge in Ancient Israel." *HTR* 111/3 (2018): 333-356.

Williamson, H. G. M. *Ezra, Nehemiah*. WBC 16. Nashville: Thomas Nelson, 1985.

Willis, Timothy M. *The Elders of the City: A Study of the Elder-Laws in Deuteronomy.* SBL Monograph Series 55. Atlanta: Society of Biblical Literature, 2001.

Wolak, Arthur J. "Ezra's Radical Solution to Judean Assimilation." *JBQ* 40/2 (2012): 94-104.

Wright, David P. "Deuteronomy 21:1-9 as a Rite of Elimination." *CBQ* 49/3 (1987): 387-403.

_____. *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat.* Winona Lake: Eisenbrauns, 2001.

_____. "The Spectrum of Priestly Impurity." Pages 150-181 in *Priesthood and Cult in Ancient Israel.* Edited by Gary A. Anderson and Saul M. Olyan. Sheffield: JSOT, 1991.

_____. "Unclean and Clean (OT)." Pages 729-741 in vol. VI of *The Anchor Bible Dictionary*. Edited by David Noel Freedman. New York: Doubleday, 1992.

Wunsch, C. "Glimpses on the Lives of the Deportees in Rural Babylonia." Pages 247-260 in *Arameans, Chaldeans, and Arabs in Babylonia and Palestine in the First Millennium B.C.* Edited by A. Berlejung and M. P. Streck. Wiesbaden: Harrassowitz, 2013.

Yaron, Reuven. "The Restoration of Marriage." *JJS* 17 (1966): 1-11.

Yoo, Philip Y. *Ezra and the Second Wilderness.* Oxford: Oxford University Press, 2017.

Yun, Andrew. "A Case of Linguistic Transition: The Nerab Inscriptions." *JSS* 51/1 (2006): 19-43.

_____. "The *'Eglâ* Ritual of Deuteronomy 21:1-9." *JBL* 95/3 (1976): 377-390.

Zimmerli, Walther. *Ezekiel: A Commentary on the Book of the Prophet Ezekiel.* 2 Vols. Translated by Ronald E. Clements. Philadelphia: Fortress, 1979-1983.

Zipor, Moshe A. "Divorce and Restoration of Marriage (Deut 24:1-4)." *ZABR* 20 (2014): 127-140.